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8977

GENERAL ACTS  
AND  
JOINT AND CONCURRENT RESOLUTIONS  
OF  
THE LEGISLATURE  
OF THE  
STATE OF MICHIGAN,



PASSED AT THE  
Regular Session of 1873;  
WITH AN APPENDIX.



BY AUTHORITY.

LANSING:  
W. S. GEORGE & CO., STATE PRINTERS AND BINDERS.  
1873.



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7.	An act making appropriations for the completion of the new hall of the University of Michigan, and to pay deficit in the revenue of the University for the year ending June thirtieth, eighteen hundred and seventy-three, approved February 13-----	6









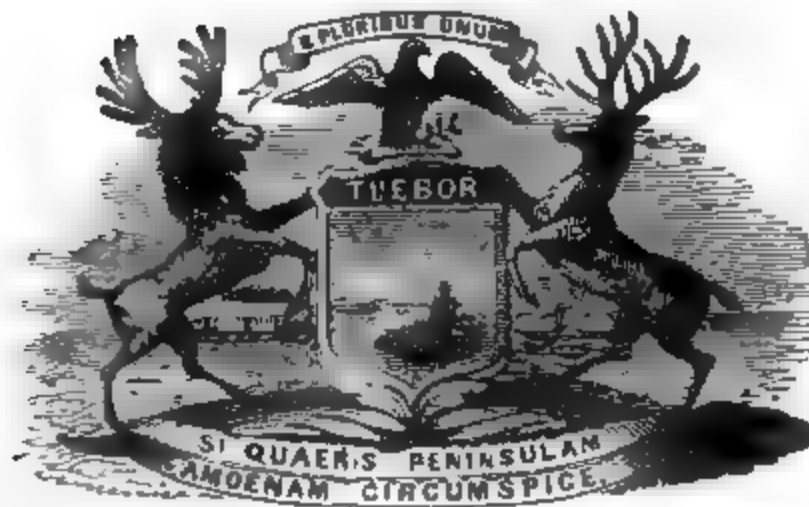






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# L A W S   O F   M I C H I G A N .

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[ No. 1. ]

**AN ACT** to amend section fourteen of an act entitled “An act to provide for the organization of the Supreme Court, pursuant to section two of article six of the constitution,” approved February sixteen, eighteen hundred and fifty-seven, being section four thousand eight hundred and ninety-seven of the compiled laws of eighteen hundred and seventy-one.

**SECTION 1.** *The People of the State of Michigan enact, That* <sup>Section amended,</sup> section fourteen of an act entitled “An act to provide for the organization of the supreme court, pursuant to section two of article six of the constitution,” approved February sixteen, eighteen hundred and fifty-seven, being section four thousand eight hundred and ninety-seven of the compiled laws of eighteen hundred and seventy-one, be and the same is hereby amended so as to read as follows:

(4897.) **SEC. 14.** The Chief Justice and each of the associ- <sup>Salary.</sup> ate justices shall receive an annual salary of four thousand dollars, payable quarter-yearly, out of any money in the treasury belonging to the general fund, not otherwise appropriated.

**SEC. 2.** This act shall take immediate effect.

Approved January 16, 1873.

[ No. 2. ]

AN ACT to amend section three thousand three hundred and sixty-six, being section twelve of chapter one hundred and twenty-eight of the compiled laws of eighteen hundred and seventy-one, relative to the formation of companies for the introduction of water into towns, cities, and villages of the State of Michigan.

Section  
amended.

SECTION 1. *The People of the State of Michigan enact.* That section three thousand three hundred and sixty-six, being section twelve of chapter one hundred and twenty-eight of the compiled laws of eighteen hundred and seventy-one, relative to the formation of companies for the introduction of water into towns, cities, and villages in the State of Michigan, be and it is hereby amended so as to read as follows:

Municipal  
authorities  
may contract  
for supply of  
water.

SEC. 12. It shall and may be lawful for the municipal authorities of any city, village, or town, in which any company is or shall be formed for the purpose of supplying such city, village, or town and the inhabitants thereof with water, to contract and agree with such company for the supply of water for public, municipal, or other purposes, and for the time and mode of payment, and may issue their obligations therefor.

SEC. 2. This act shall take immediate effect.

Approved January 22, 1873.

[ No. 3. ]

AN ACT to provide for the payment of the officers and members of the Legislature.

Appropri-  
ation.

SECTION 1. *The People of the State of Michigan enact,* That there be and hereby is appropriated out of any money in the treasury to the credit of the general fund, a sum sufficient for the payment of the officers and members of the Legislature for the present, and each session hereafter.

Compensa-  
tion of offi-  
cers and  
members.

SEC. 2. The compensation of the President and Members of the Senate, and of the Speaker and Members of the House of

Representatives, shall be three dollars per day each, for actual attendance, and when absent on account of sickness during the session of the Legislature, and ten cents for every mile actually traveled in going to and returning from the place of meeting on the usually traveled route. Each Member of the Senate and the House of Representatives shall be entitled to receive five dollars for stationery and newspapers. The compensation of the Secretary, Engrossing and Enrolling Clerk, and Sergeant-at-Arms of the Senate, and their authorized assistants, and of the Clerk and Engrossing and Enrolling Clerk, and Sergeant-at-Arms of the House of Representatives, and their authorized assistants, and of the clerks employed with the consent of the Senate or House of Representatives, by any standing or special committees of either of said Houses, shall be three dollars a day each, for actual attendance during the session, and ten cents for every mile actually traveled in going to and returning from the place of meeting on the usually traveled route. The compensation of the firemen and janitors of the Senate and House of Representatives, and their authorized assistants, and keeper of the cloak-room, and of the postmaster of the Legislature, shall be three dollars per day and that of the messenger boys two dollars per day for the time actually employed in attendance during the session, and mileage at the rate of ten cents per mile for every mile actually traveled in coming to and returning from the capital by the usually traveled route.

Of Secretary  
Clerks, and  
Sergeant-at-  
Arms.

Of firemen,  
janitors, etc.

SEC. 3. Such sums as may be due under the provisions of this act, to the Secretary of the Senate and the Clerk of the House of Representatives, shall be certified by the presiding officers of the respective Houses, and countersigned by the Auditor General; and such sums as may be due the President of the Senate and Speaker of the House of Representatives shall be certified by the Secretary or Clerk of the respective Houses, and countersigned by the Auditor General; and such sums as may be due to the Members and other officers of either

How paid.

House, shall be certified by the Secretary or Clerk, and the presiding officers of the respective Houses, and countersigned by the Auditor General; and the State Treasurer, upon the presentation of any such certificate, countersigned as provided in this section, is hereby authorized and directed to pay the same.

SEC. 4. This act shall take immediate effect.  
 Approved January 23, 1873.

[ No. 4. ]

AN ACT to amend section eight of chapter two hundred and forty-five, being seven thousand five hundred and fifty-nine of the compiled laws of eighteen hundred and seventy-one, relative to offenses against property.

Section amended.

SECTION 1. *The People of the State of Michigan enact, That* section seven thousand five hundred and fifty-nine of the compiled laws of eighteen hundred and seventy-one, be and the same is hereby amended so as to read as follows:

Provisions to extend to married women; also, to married men.

(7559.) SEC. 8. The preceding sections of this chapter shall severally extend to a married woman who may commit either of the offenses therein described, although the property burnt or set fire to may belong partly or wholly to her husband; and said sections shall also severally apply to a married man, although the property burnt or set fire to may belong partly or wholly to his wife.

SEC. 2. This act shall take immediate effect.  
 Approved January 23, 1873.

[ No. 5. ]

AN ACT to provide for the recording of judgments in actions affecting or relating to the title of real estate.

May be recorded in office of register of deeds

SECTION 1. *The People of the State of Michigan enact, That* whenever any final judgment shall have been rendered in any suit or action at law, affecting or relating to the title of real



estate, by any court having competent jurisdiction thereof, a copy of such judgment, duly certified by the clerk of said court, under the seal thereof, may be received and recorded in the office of the register of deeds for the county where such real estate is situated, and when so recorded it shall have the same effect as evidence and notice of title as the recording of deeds and other conveyances, and such register of deeds shall be entitled, for the recording of such judgment, to the same fees as for the recording of deeds.

Approved February 7, 1873.

[ No. 6. ]

AN ACT regarding the payment of irregular or illegal taxes.

SECTION 1. *The People of the State of Michigan enact, That* in all cases where any person, company, association or corporation shall voluntarily and without protest pay to the officer demanding the same, and having a tax warrant or other process for the collection thereof, any sum or sums of money purporting by such warrant or process to be payable by such person, company, association or corporation for taxes or assessments, assessed, levied, or imposed by virtue of any law of this State, neither the officer so collecting the same, nor the officer who issued such warrant or process, nor the officer who made the assessment or levy, shall in consequence of such payment be liable in any form of action for or on account of any defect or invalidity in the law under which the proceedings are had, or of any defect or irregularities in the said proceedings or in such warrant or process.

SEC. 2. That whenever moneys shall have been thus voluntarily paid as taxes or assessments to any officer assuming to act under any law of this State, and he shall fail to pay the same over according to the requirements of such law, or of his warrant or other process, any defect, irregularity, or illegality

in the proceedings, or any want of authority to assess or levy such taxes or assessment, shall not be set up as a defense to any suit or proceeding brought or instituted to compel such payment by him, or to hold him or his sureties responsible for his neglect to make the same, but he shall make payment the same as if no such defect, irregularity, illegality, or want of authority had occurred or existed.

Approved February 13, 1873.

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[ No. 7. ]

AN ACT making appropriations for the completion of the new hall of the University of Michigan, and to pay deficit in the revenue of the University for the year ending June thirtieth, eighteen hundred and seventy-three.

Amount of  
appropri-  
ation.

Money; how  
expended.

When may  
be drawn.

Appropri-  
ation to  
cover deficit.

SECTION 1. *The People of the State of Michigan enact*, That there shall be and is hereby appropriated out of any funds in the treasury of the State of Michigan not otherwise appropriated, the sum of twenty-five thousand dollars, for the purpose of completing the new hall of the University of Michigan, which said moneys shall be expended under the direction of the Board of Regents of the said University, and shall be drawn from the treasury on the presentation of the proper voucher of the treasurer of the said board to the Auditor General, and on his warrant to the State Treasurer; and no money shall be drawn by virtue of this act by such Regents, unless they shall have first filed with the Auditor General an estimate and statement showing the purpose for which such money is required, and none shall be drawn further than is required to pay for labor done and materials furnished.

SEC. 2. There shall be and is hereby appropriated out of any funds in the treasury of the State of Michigan not otherwise appropriated, the further sum of thirteen thousand dollars to cover the deficit in the revenue of the said University, for

the fiscal year ending June thirty, eighteen hundred and seventy-three, which said moncys shall be drawn from the treasury on the presentation of the proper voucher of the treasurer of the said board to the Auditor General, and on his warrant to the State Treasurer. How drawn.

SEC. 3. There shall be assessed upon the taxable property of the State, in the year one thousand eight hundred and seventy-three, the sum of thirty-eight thousand dollars, assessed and levied in like manner as other State taxes are by law levied, assessed, and paid; which tax, when collected, shall be credited up to the general fund, to re-imburse to the same the sums to be drawn therefrom, as provided in section one and two of this act. Amount to be assessed for reimbursement of general fund.

SEC. 4. This act shall take immediate effect.

Approved February 13, 1873.

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[ No. 8. ]

AN ACT making appropriations for the State Normal School.

SECTION 1. *The People of the State of Michigan enact*, That the State Treasurer shall transfer from the general fund, the sum of fifteen thousand dollars for the year eighteen hundred and seventy-three, and fifteen thousand dollars for the year eighteen hundred and seventy-four, which sums are hereby appropriated to the Normal School interest fund, and shall be drawn from the treasury in the manner now provided by law, in relation to that fund. Amount of appropriation. How drawn.

SEC. 2. This act shall take immediate effect.

Approved February 13, 1873.

[ No. 9. ]

AN ACT to amend section twenty-eight of chapter two hundred and sixty-seven, being section eight thousand and seventy-four of the compiled laws of eighteen hundred and seventy-one, relating to the State Prison and the government and discipline thereof.

Section  
amended.

SECTION 1. *The People of the State of Michigan enact*, That section twenty-eight of chapter two hundred and sixty-seven, being section eight thousand and seventy-four of the compiled laws of eighteen hundred and seventy-one, be and the same is hereby amended so as to read as follows:

Letting of  
convicts'  
labor.

(8074.) SEC. 28. The agent shall cause a notice to be published in at least six newspapers published in six different cities and villages in this State, for a time not less than six weeks previous to the day appointed for letting the labor of the convicts, which notice shall state that sealed proposals will be received for the labor of convicts. Also the number of convicts to be let. All contracts made by the agent shall be reduced to writing and approved by the inspectors, or a majority of them, and one copy of every contract shall be filed in the prison office; and the State shall have a lien upon the machinery, tools, and stock of the contractors, which are or may hereafter be within the work-shop or prison-yard, for all moneys due or to become due for convict labor; and the agent is hereby authorized to detain such property, to advertise and sell the same by giving at least four weeks' notice in some paper published in the city of Jackson, prior to such sale; and the surplus money, if any arising from such sale, after paying what is due the State, shall be paid to the contractor or contractors to whom the property belongs; and the inspectors are hereby authorized and empowered to make such modifications and alterations in existing contracts, whereby the State may have such lien on the present contractors, with the consent of the parties thereto.

State to have  
lien on tools,  
etc., of con-  
tractors.

SEC. 2. This act shall take immediate effect.

Approved February 14, 1873.

## LAWS OF MICHIGAN.

9

[ No. 10. ]

AN ACT to extend the provisions of an act entitled "An act to authorize the Auditor General to assess, by estimate, specific taxes upon corporations which neglect or refuse to make the report as required by law upon which specific taxes are computed, and to provide for the collection of the same," approved March twenty-ninth, eighteen hundred and seventy-two.

SECTION 1. *The People of the State of Michigan enact, That* the provisions of an act entitled "An act to authorize the Auditor General to assess, by estimate, specific taxes upon corporations which neglect or refuse to make the report as required by law upon which specific taxes are computed, and to provide for the collection of the same," approved March twenty-nine, eighteen hundred and seventy-two, be and they hereby are extended to and include all persons, partnerships, or parties, liable under any general or special law of this State, to pay a specific or special State tax, and if any such persons, partnerships, or parties shall have heretofore neglected to make the report required by law, and upon which the amount of specific or special tax imposed upon such persons, partnership, or parties by any law of this State is computed, and shall not have made such report within sixty days after the approval of this act, then the proceedings shall be the same as provided in section six of the act, the provisions of which are hereby extended, and with the same effect.

What persons, etc., included.

In case report is not made.

SEC. 2. This act shall take immediate effect.

Approved February 14, 1873.

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[ No. 11. ]

AN ACT regarding over-due specific taxes.

SECTION 1. *The People of the State of Michigan enact, That* all specific taxes imposed by any law of this State, and now past due, or hereafter to become due, and that shall remain unpaid after the last day of the month in which, by law, such

Interest.

specific taxes are made payable, shall be subject to interest, computed at the rate of seven per cent per annum, from the day such specific taxes may have become due to the day of the payment thereof: *Provided*, That if, in any case, any specific tax with the accrued interest thereon shall not be paid within ten days after demand therefor is made by the Auditor General, then any corporation, copartnership, party or person so failing to pay as demanded, shall be subject to a penalty of two per cent for each month or fraction thereof, to be computed upon the amount due from such corporation, copartnership, party or person at the date of such demand for payment. And for the amount so found due, including the penalty herein imposed, the Auditor General shall issue his warrant, which warrant shall be issued in the same manner and be of like effect and subject to all of the provisions of law applicable to the warrant required to be issued by section two of act number fifty-seven of the laws of eighteen hundred and seventy-two.

Proviso.

Penalty.

Auditor General to issue his warrant for collection of tax.

Taxes to which provisions of act apply.

SEC. 2. The provisions of this act shall apply to all specific taxes charged against any corporation, copartnership, party or person, subject under any law of this State to the payment of such taxes, whether computed in the manner provided in the laws imposing such specific taxes or estimated under the provisions of act number fifty-seven of the laws of eighteen hundred and seventy-two.

SEC. 3. This act shall take immediate effect.

Approved February 14, 1873.

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[ No. 12. ]

AN ACT to amend section one hundred and ninety of chapter one hundred and seventy-eight of the compiled laws, entitled "Courts held by justices of the peace," approved February thirteen, eighteen hundred and fifty-five.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section one hundred and ninety of chapter one hundred and

seventy-eight, of the compiled laws, relating to courts held by justices of the peace, be amended so as to read as follows:

(5438.) SEC. 190. Appeals may be authorized by the circuit court or by the judge at chambers, after the expiration of five days, when the party making the appeal has been prevented from taking the same by circumstances not under his control. When circuit court may authorize appeal after five days.

Approved February 19, 1873.

[ No. 13. ]

AN ACT to amend section one [1] of "An act authorizing any persons to construct lines of electric telegraph in the State of Michigan," being section sixteen hundred and eight [1608] in chapter thirty-eight [38] of the compiled laws of eighteen hundred and seventy-one.

SECTION 1. *The People of the State of Michigan enact*, That section one in chapter thirty-eight, being section sixteen hundred and eight of the compiled laws of eighteen hundred and seventy-one, entitled "An act authorizing any persons to construct lines of electric telegraph in the State of Michigan," be so amended as to read as follows: Section amended.

(1608.) SEC. 1. That any person or persons may be and they are hereby authorized to construct and maintain lines of electric telegraph, together with all necessary fixtures appurtenant thereto, from point to point upon and along any of the public roads, highways, or railroads, and across, along, or under any of the waters, rivers or bridges within the limits of this State, and upon or over any of the public lands of this State, or upon or over the land of any individual—the owner of any land through which said telegraph line may pass, and the railroad corporation on whose right of way the same may be constructed, having first given consent: *Provided*, That the same shall not in any instance be so constructed as to incommode the public in the use of said roads, highways, railroads, or bridges, or endanger or injuriously affect, or interrupt Where lines may be constructed. Provided.

Further  
proviso.

Pine trees  
not to be cut.

the navigation of said waters or rivers: *And provided further,*  
That in clearing a right of way over or upon any of the public lands of this State, for the construction and maintenance of a telegraph line, no white or yellow pine trees suitable for timber shall be cut down or injured, and no timber of any kind upon said lands shall be appropriated by the person or persons constructing or maintaining said telegraph line, except a sufficient number of posts upon which to erect the same, in no case to exceed twenty-five of such posts from any forty-acre tract of State land actually traversed by said telegraph line.

Approved February 20, 1873.

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[ No. 14. ]

AN ACT to amend an act entitled "An act to authorize the formation of telegraph companies," approved March twenty-six, eighteen hundred and fifty-one, being chapter eighty of the compiled laws of eighteen hundred and seventy-one, by adding thereto a new section to be section number twenty-two of said act.

Section  
added.

SECTION 1. *The People of the State of Michigan enact,* That an act entitled "An act to authorize the formation of telegraph companies," approved March twenty-six, eighteen hundred and fifty-one, being chapter eighty of the compiled laws of eighteen hundred and seventy-one, be amended by adding thereto a new section to be section number twenty-two of said act, which shall read as follows:

Amendment  
of articles.

SEC. 22. It shall and may be lawful for any telegraph company organized as a corporation under the laws of this State, by the vote of two-thirds of its stockholders in value, at any regular or special meeting, to amend its articles of association in any or all the particulars specified in the original articles, and in case of such amendment it shall be the duty of the president and secretary of the company to execute, acknowl-

Duties of  
President  
and Secre-  
tary.



edge, and cause to be filed and recorded in the office of the <sup>Where filed and recorded.</sup> clerk of the county where the principal office of the company is located, and in the office of the Secretary of State an instrument in writing reciting the action of such stockholders, and setting forth the entire articles as amended, a copy of which <sup>Certified copy may be used in evidence.</sup> said instrument, duly certified by said clerk or the Secretary of State, may be used in evidence in all courts and places for and against said corporation.

SEC. 2. This act shall take immediate effect.

Approved February 20, 1873.

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[ No. 15. ]

AN ACT to amend section one of chapter one hundred and fifty-four of the compiled laws of eighteen hundred and seventy-one, relative to wills of real and personal estate.

SECTION 1. *The People of the State of Michigan enact*, That <sup>Section amended.</sup> section one of chapter one hundred and fifty-four of the compiled laws of eighteen hundred and seventy-one be and the same is hereby amended so as to read as follows:

(4322.) SEC. 1. Every person of full age and sound mind <sup>Who may devise lands</sup> being seized in his own right of any lands or of any right thereto, or entitled to any interest therein descendable to his heirs, may devise and dispose of the same by his last will and testament in writing, and all such estate not disposed of by the <sup>Lands not disposed of by will.</sup> will, shall descend as the estate of an intestate, being chargeable in both cases with the payments of all his debts.

Approved February 21, 1873.

[ No. 16. ]

AN ACT to repeal an act, entitled "An act in relation to collection of recognizances in criminal cases," approved March seven, eighteen hundred and sixty-one, being sections six thousand eight hundred and eighty-four, six thousand eight hundred and eighty-five, and six thousand eight hundred and eighty-six of the compiled laws of eighteen hundred and seventy-one.

**Act repealed.** SECTION 1. *The People of the State of Michigan enact, That* an act entitled "An act in relation to collection of recognizances in criminal cases," approved March seven, eighteen hundred and sixty-one, being sections six thousand eight hundred and eighty-four, six thousand eight hundred and eighty-five, and six thousand eight hundred and eighty-six of the compiled laws of eighteen hundred and seventy-one, be and the same is hereby repealed.

Approved February 21, 1873.

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[ No. 17. ]

AN ACT to provide for the alteration or amendment of the articles of association of companies organized under chapter ninety-five of the compiled laws of eighteen hundred and seventy-one, and to repeal "An act to authorize manufacturing companies to amend their articles of association," approved February fifth, eighteen hundred and sixty-four.

**Amendment  
of articles  
authorized.**

SECTION 1. *The People of the State of Michigan enact, That* it shall be lawful for any company organized under chapter ninety-five of the compiled laws of eighteen hundred and seventy-one, upon a vote of its stockholders holding two-thirds of its subscribed stock, at any meeting thereof duly called, to alter and amend its articles of association in such manner, not inconsistent with the provisions of said chapter, as it may determine; and upon such vote, said company may make articles amendatory of their original articles, which shall be signed and certified by the president and secretary of said

**How exe-  
cuted.**

company, and under its corporate seal, and filed and recorded Where filed. in the manner provided for the filing and recording of the original articles of such associations; and when so executed Effect of. and filed, such amendatory articles shall have the same force and effect as though such alterations or amendments had been included in and made a part of the original articles of association, and they may be proved by certified copies thereof, in the manner provided for the proof of original articles of such association.

SEC. 2. The act entitled "An act to authorize manufacturing Act repealed. companies to amend their articles of association," approved February fifth, eighteen hundred and sixty-four, is hereby repealed.

SEC. 3. This act shall take immediate effect.

Approved February 25, 1873.

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[ No. 18. ]

AN ACT to amend section three of chapter two hundred and thirty, being section seven thousand one hundred and seventy-six of the compiled laws of eighteen hundred and seventy-one, relative to the punishment of fraudulent debtors.

SECTION 1. *The People of the State of Michigan enact*, That Section amended. section three of chapter two hundred and thirty, being section seven thousand one hundred and seventy-six (7176) of the compiled laws of eighteen hundred and seventy-one, be and the same is hereby amended so as to read as follows:

SEC. 3. In all cases, where by the preceding provisions of Power of plaintiff to arrest defendant. this chapter a defendant cannot be arrested or imprisoned, it shall be lawful for the plaintiff who shall have commenced a suit against such defendant, or shall have obtained a judgment or decree against him in any court of record, or justice's court, to apply to any judge of the court in which such suit is brought, or to any circuit judge or circuit court commissioner, or to any justice of the peace before whom such suit is pend-

ing or judgment obtained, or before whom such proceedings shall have been transferred, for a warrant to arrest the defendant in such suit.

Approved February 28, 1873.

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[ No. 19. ]

AN ACT to amend section four of an act entitled "An act to provide for the better management and care of the State Library," the same being section two hundred and seventy-one in chapter seven of the compiled laws of eighteen hundred and seventy-one.

Section  
amended.

SECTION 1. *The People of the State of Michigan enact*, That section four of an act entitled "An act to provide for the better management and care of the State Library," the same being section two hundred and seventy-one in chapter seven of the compiled laws of eighteen hundred and seventy-one, be and the same is hereby amended so as to read as follows:

Officers and  
employees of  
the State to  
return books  
before re-  
ceiving pay  
in full.

(271.) SEC. 4. Before any member of the Senate, or of the House of Representatives, or of the convention to revise the constitution, or any other officer or employe of the State, who is authorized by the rules of the State Library to draw books therefrom, shall receive their pay in full, it shall be necessary for such member, officer, or employe to obtain and exhibit a certificate from the Librarian stating that such member, officer, or employe, has returned all books he may have drawn, if any, from such State Library.

SEC. 2. This act shall take immediate effect.

Approved February 28, 1873.

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[ No. 20. ]

AN ACT to provide for the purchase of books for the State Library.

Appropri-  
ation.

SECTION 1. *The People of the State of Michigan enact*, That the sum of five thousand dollars be and the same is hereby

appropriated out of any money in the State treasury to the credit of the general fund not otherwise appropriated, for the purchase of books for the State Library.

SEC. 2. The money so appropriated shall be drawn from the State treasury upon the warrant of the Auditor General, and shall be expended by the State Librarian with the advice and consent of the Governor, for the purpose aforesaid. How drawn

SEC. 3. This act shall take immediate effect.

Approved February 28, 1873.

[ No. 21. ]

**AN ACT** to require the Commissioner of the State Land Office to give public notice of the restoration of reserved or forfeited State lands to market.

**SECTION 1.** *The People of the State of Michigan enact, That* all lands of this State, which have been withdrawn from market for any purpose, or withheld from sale or pre-emption, in consequence of errors in books, or in consequence of marking sales or reservations upon maps, and all lands which have reverted, or may hereafter revert, to the State by reason of a failure in any manner to make payment for the same, or by a failure to comply with the terms of any State road, railroad, or other grant or contract of this State, to or with any person or corporation, or by reason of a failure to comply with the conditions of any license or homestead act, shall not be subject to private entry or purchase, either with cash or scrip, until public notice of the restoration of such lands to market shall have been given in the manner hereinafter prescribed. Certain lands not to be sold without public notice of restoration to market.

SEC. 2. The Commissioner of the State Land Office shall be required to advertise for four successive weeks, in a newspaper published in the county where such lands are situate, if there is one published therein, and if not, then in some newspaper published in a county nearest to that in which said lands are How advertised.

Purchaser  
and settler  
to have no-  
tice.

located, and shall also forward a written or printed notice by letter, mailed and properly directed to each settler and purchaser of lands held by him under any of the laws of the State, and included in the list so advertised, that at a time certain, at his office in the city of Lansing, naming the day of the month and the hour, not less than thirty days from the date of the first insertion of such advertisement, the particular lands, giving the descriptions thereof, will be restored to market.

Proclama-  
tion of sale.

Lands;  
how sold.

Proviso.

Sales in vio-  
lation of act  
void.

Acts  
repealed.

SEC. 3. It shall be the duty of the Commissioner to cause the notice of the restoration of such lands to market to be publicly proclaimed from the front door of the Land Office in Lansing, one hour before the time of such restoration; and in all cases where there are two or more applicants for the same tract of land present at the time of its restoration to market, the Commissioner shall immediately offer and sell the said tract in the smallest subdivisions of which the same is susceptible, not less than forty acres (unless the tract should be a fractional section or fractional part of a section containing a less number of acres), to the highest bidder: *Provided*, No bid for any such tract shall be received by the Commissioner unless the price offered shall be equal to the minimum price of such land as fixed by law.

SEC. 4. All entries or sales of any lands such as are hereinbefore referred to, or of lands now held in trust by the State, which may hereafter become the property of the State by virtue of any of the provisions of such trust, if such entries or sales be permitted, or made in violation of any of the provisions of this act, shall be absolutely void, and the certificate issued thereon shall vest no title in the person or corporation entering or purchasing the same.

SEC. 5. All acts or parts of acts contravening any of the provisions of this act are hereby repealed.

SEC. 6. This act shall take immediate effect.

Approved February 28, 1873.

[ No. 22. ]

**AN ACT** to amend sections two and fourteen of chapter eighty-eight of the compiled laws of eighteen hundred and seventy-one, entitled, "An act to authorize the formation of corporations for the running, booming, and rafting of logs."

**SECTION 1.** *The People of the State of Michigan enact,* That Section amended. sections two and fourteen of chapter eighty-eight of the compiled laws of eighteen hundred and seventy-one, be and the same are hereby amended so as to read as follows:

**SEC. 2.** Before any corporation formed under this act shall commence business, the president and directors shall cause a Articles of association; when and where filed. copy of their articles of association to be filed in the office of the county clerk of the county or counties in which such association shall have and use their boom or booms, or in which their office for the transaction of business is located. And a copy of any articles of association filed in pursuance Certified copy evidence of incorporation, etc. of this act, certified by the county clerk of the proper county to be a true copy thereof and of the whole of such articles of association, shall be in all courts and places presumptive evidence of the incorporation of such company and of the facts therein stated.

**SEC. 14.** Every such corporation shall, by their corporate Corporation may hold real estate. name, have power to acquire, use, and hold all such real and personal estate, by lease or purchase, as shall be necessary for the purpose of carrying on the business of such corporation, with the full right of selling and disposing thereof, when not further needed for the use of such corporation: *Provided,* Provido. That their real estate shall not exceed five thousand acres. They shall have power and the right, in any of the navigable May construct booms waters of this State named in their articles of association, to construct, use, and maintain all necessary booms for carrying on the business of such corporations: *Provided always,* Provido. That they shall first have obtained from the owner or owners of the shores along which, or in front of which, they desire to construct such boom or booms, either by lease or purchase,

their permission to erect and maintain such boom or booms in front of his or their lands: *And provided further*, That such boom or booms shall be so constructed, and so far as practicable used, as to allow the free passage of boats, vessels, crafts, logs, timber, lumber, or other floatables along such waters. They shall have power to make all necessary contracts for the driving, booming, rafting, and running logs, lumber, timber, and other floatables. They shall have power to carry on the business of driving, booming, rafting and running logs, timber, lumber, or other floatables, or either of them, as they may from time to time determine; and for the use of said boom or booms, in the care and custody of logs, timber, lumber, or other floatables, in all cases where no rate is fixed by contract, to charge and collect a uniform and reasonable sum for boomage, and for such boomage, and for driving, rafting or running of logs, timber, lumber, and other floatables, such corporation shall have a lien on the logs, timber, or other floatables, driven, boomed, rafted, or run, and such corporation shall be entitled to retain the possession of such logs, timber, lumber, or other floatables, or so much thereof as may be necessary to satisfy the amount of such boomage, and reasonable charges for driving, rafting, or running of logs, timber, lumber or other floatables, and all expenses for taking care of the same, until the same shall be determined, satisfied, and paid, in the manner hereinafter prescribed; and all charges for running driving, booming, towing, or rafting of saw logs and lumber, by such corporation, shall be by the thousand feet, board measure.

**Proviso.**

**Powers of corporation.**

**Compensation for boomage.**

**To have lien on logs, etc.**

SEC. 2. This act shall take immediate effect.

Approved March 7, 1873.



[ No. 23. ]

**AN ACT** to re-organize the thirteenth and fourteenth judicial circuits and to create the nineteenth judicial circuit.

**SECTION 1.** *The People of the State of Michigan enact, That* <sup>Nineteenth circuit.</sup> the counties of Benzie, Manistee, Wexford, Mason, Lake, and Osceola shall be formed into, and be one judicial circuit, to be known and designated as the Nineteenth Judicial Circuit.

**SEC. 2.** That the counties of Emmett, Charlevoix, Antrim, <sup>Thirteenth circuit.</sup> Kalkaska, Grand Traverse, Leelanaw and Missaukee, shall be formed into and be one judicial circuit, to be known as the Thirteenth Judicial Circuit.

**SEC. 3.** That the counties of Ottawa, Muskegon, Oceana, <sup>Fourteenth circuit.</sup> Newaygo, and Mecosta, shall be formed into, and be one judicial circuit, to be known as the Fourteenth Judicial Circuit.

**SEC. 4.** The qualified voters of the counties mentioned in <sup>Circuit judge; when elected and term of office</sup> section one of this act shall, on the first Monday of April, in the year of our Lord one thousand eight hundred and seventy-three, elect a circuit judge, who shall hold his office, commencing on the first day of May, eighteen hundred and seventy-three, and ending on the first day of January, eighteen hundred and seventy-six, and until his successor is elected and qualified.

**SEC. 5.** The judge of the thirteenth judicial circuit shall <sup>Time judge of present thirteenth circuit to retain office.</sup> continue to hold his office as judge of the thirteenth judicial circuit as herein re-organized, for the remainder of his unexpired term, and shall continue to hold courts throughout his present circuit, until the first day of May, in the year one thousand eight hundred and seventy-three.

**SEC. 6.** The judge of the present fourteenth judicial circuit shall <sup>Time judge of present fourteenth circuit to retain office.</sup> continue to hold his office as judge of the fourteenth judicial circuit, as herein re-organized, for the remainder of his unexpired term, and shall continue to hold courts throughout his present circuit, until the first day of May, in the year one thousand eight hundred and seventy-three.

Election ;  
sheriff to  
notify.

SEC. 7. It shall be the duty of the sheriffs of the several counties mentioned in the first section of this act, at least ten days previous to the first Monday in April, in the year one thousand eight hundred and seventy-three, to notify the township clerk of each township, and one of the inspectors of election in each ward of any city in their respective counties of said election of circuit judge, and the township clerks and ward inspectors shall post notices in the usual manner for such election in their townships and wards, at least three days previous to the day of election.

Township  
clerks, etc.,  
to post no-  
tices.

Manner of  
conducting.

Canvass of  
votes.

SEC. 8. The said election for circuit judge shall be conducted, and returns made, as provided by law for the election of circuit judges for the several judicial circuits of this State; and the State board of canvassers shall, without delay, on the receipt of the certified statement of the votes given in the said counties named in the first section of this act, proceed to canvass said votes, and deliver to the person elected a copy of their determination as required by law.

Acts  
repealed.

SEC. 9. All acts, or parts of acts, contravening the provisions of this act are hereby repealed.

SEC. 10. This act shall take immediate effect.

Approved, March 7, 1873.

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[ No. 24. ]

AN ACT making appropriations for the Institution for Educating the Deaf, and Dumb, and the Blind, for the years 1873-74.

Appropri-  
ations to  
defray cur-  
rent ex-  
penses for  
1873-4.

SECTION 1. *The People of the State of Michigan enact*, That the sum of thirty-seven thousand five hundred dollars for the year eighteen hundred and seventy-three, and the sum of thirty-seven thousand five hundred dollars for the year eighteen hundred and seventy-four, or such portions of said sums as may be necessary, are hereby appropriated to defray the cur-

rent expenses of the Institution for Educating the Deaf, and Dumb, and the Blind, is hereby appropriated.

SEC. 2. The sum of seven thousand dollars, or so much thereof as may be necessary, is hereby appropriated for one hall floor of oak, in school wing; for one floor in lecture-room in school wing; for repairing and renewing parts of floor in school wing; for painting floors in boys' and girls' rooms; for painting floors in chapel and dining-rooms; for painting floors in two halls; for painting wood work outside and inside of school wing, and east and west wings, and center building, and engine house, one coat each; for painting one hundred and eighty rods of board fence two coats; for two iron guards in archway of portico; for grading grounds, making roads; for ornamental trees and shrubbery, and setting the same; for one hundred and ten rods of sidewalk; for two hundred and fifty rods of board fence; and for thirty-five mattresses, pillows, and iron bedsteads. The above sum to be used in amounts for the various items as estimated by the trustees of said institution, as found in their annual report for the year eighteen hundred and seventy-two.

SEC. 3. To pay foreman and assistants, and for stock in cabinet and shoe shops, the sum of four thousand dollars, or such part thereof as may be necessary, is hereby appropriated. And to pay foreman and assistants, and for stock to teach the blind to make mats, brooms, brushes, baskets, flag and cane chair seats, the sum of two thousand dollars, or such part thereof as may be necessary, is hereby appropriated. And for foreman and assistants, and for type, tools, etc., for teaching type setting and printing, the sum of two thousand dollars, or such part thereof as may be necessary, is hereby appropriated.

SEC. 4. For additional books for library; for engravings, maps, and mottoes to adorn the rooms; and for amusements for the pupils, the sum of two thousand dollars is hereby appropriated, to be expended by or under the direction of the

Governor of the State and the superintendent of said institution, in such way and manner as they may [be] deem for the best interests and welfare of the deaf, and dumb, and the blind

Provision  
to meet ap-  
propriations.

SEC. 5. The several sums mentioned in this act are hereby appropriated out of the general fund, and passed to the credit of the Asylum fund, for the benefit of the Institution for Educating the Deaf, and Dumb, and the Blind; and shall be paid to the board of trustees at such time and in such manner and amounts only as are or may be provided by law, and may be made to appear to the Auditor General to be necessary for the immediate wants of said institution; and in no case shall a greater sum be drawn at one time from the State treasury than five thousand dollars.

Sum to be  
drawn at one  
time limited.

Further  
provision to  
meet appro-  
priations.

SEC. 6. One-half of the aggregate of the above mentioned sums the Auditor General shall add to and incorporate with the State tax for the year eighteen hundred and seventy-three, and the other one-half of said aggregate sums the Auditor General shall add to and incorporate with the State tax for the year eighteen hundred and seventy-four; which sums, when collected, shall be passed to the credit of the general fund.

SEC. 7. This act shall take immediate effect.

Approved March 7, 1873.

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[ No. 25. ]

AN ACT to amend section two of "An act for the more effectual prevention of cruelty to animals," approved April fifteen, eighteen hundred and seventy-one, being section seven thousand seven hundred and eighty-two, chapter two hundred and fifty-four of the compiled laws of eighteen hundred and seventy-one.

Sections  
amended.

SECTION 1. *The People of the State of Michigan enact, That* section two of "An act for the more effectual prevention of cruelty to animals," approved April fifteen, eighteen hundred and seventy-one, being section seven thousand seven hundred

and eighty-two, chapter two hundred and fifty-four of the compiled laws of eighteen hundred and seventy-one, be, and the same is hereby amended so as to read as follows:

[7782.] SEC. 2. Any person who shall keep or use, or in any way be connected with, or interested in the management of, or shall receive money for the admission of any person to any place kept or used for the purpose of fighting or baiting any bull, bear, dog, cock, or other creature; and every person who shall encourage, aid, or assist therein, or who shall permit or suffer any place to be so kept or used, and every person who shall promote or conduct or aid or abet in promoting or conducting a fight between fowls, or animals of any kind, for any purpose, or who shall be engaged in fitting or training animals or fowls to be used for fighting, shall, upon conviction thereof, be adjudged guilty of a misdemeanor.

Penalty for keeping place for fighting or baiting, etc.

Approved March 12, 1873.

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[ No. 26. ]

AN ACT to prevent and punish offenders for the adulteration of milk, and the products made therefrom, and to repeal an act entitled "An act to prevent the adulteration of milk and to prevent the traffic in impure and unwholesome milk," approved March thirty-first, eighteen hundred and seventy-one.

SECTION 1. *The People of the State of Michigan enact*, That whoever shall knowingly sell to any person or persons, or sell, deliver, or bring to be manufactured to any cheese or butter manufactory in this State, any milk diluted with water, or in any way adulterated, or milk from which any cream has been taken, or milk commonly known as "skimmed milk," or shall keep back any part of the milk known as "strippings," with intent to defraud, or shall knowingly sell milk, the product of a sick or diseased animal or animals, or any milk produced from any cow fed upon the refuse of a distillery, or of a brew-

Provisions relative to traffic in.

ery, or upon any substance deleterious to the quality of the milk, or shall knowingly use any poisonous or any deleterious material in the manufacture of any cheese or butter, or shall knowingly sell or offer to sell any cheese or butter, in the manufacture of which any poisonous or deleterious substance has been used, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than ten dollars nor more than one hundred dollars; and may be committed to the county jail until such fine shall be paid: *Provided*, That such imprisonment shall not exceed ninety days; and shall be liable in double the amount of damages to the person or persons, firm, association, or corporation upon which such fraud shall have been committed. An act entitled "An act to prevent the adulteration of milk and to prevent the traffic in impure and unwholesome milk," approved March thirty-first, eighteen hundred and seventy-one, is hereby repealed: *Provided*, "That any right accrued or forfeiture incurred under said act, shall remain valid and binding, and may be enforced under said act as if the same were not repealed."

Penalty for adulterating or dealing in such.

Proviso.

Double damages.

Act repealed.

Proviso.

Approved March 12, 1873.

[ No. 27. ]

AN ACT to provide for the approval of the official bonds of county officers by the board of supervisors.

Bonds; by whom approved.

Proviso.

SECTION 1. *The People of the State of Michigan enact*, That all official bonds of county officers which are now required by law to be approved by the judge of the circuit court, shall hereafter be approved by the board of supervisors of the county in which said officers are elected: *Provided however*, That if the board of supervisors in any case shall neglect, for the period of twenty days after the commencement of the term for which any such officer was elected, to approve of the bond or the sufficiency of the sureties thereto, the circuit judge of the circuit to which such county may be attached, or the judge

of probate of such county, may, on application of the officer so elected, approve of the bond and the sureties thereto, on being satisfied of the pecuniary responsibility of the sureties to meet the exigency of said bond: *Provided*, That this act shall not be in force or operation in Wayne county.

Proviso  
relative to  
Wayne  
county.  
Acts  
repealed.

SEC. 2. All acts or parts of acts contravening the provisions of this act are hereby repealed.

Approved March 14, 1873.

[ No. 28. ]

AN ACT to amend section five [5] of "An act to authorize the formation of telegraph companies," being section twenty-six hundred and twenty-nine [2629], in chapter eighty [80] of the compiled laws of eighteen hundred and seventy-one.

SECTION 1. *The People of the State of Michigan enact*, That section five (5), of "An act to authorize the formation of telegraph companies," being section twenty-six hundred and twenty-nine (2629), in chapter eighty (80) of the compiled laws of eighteen hundred and seventy-one, be so amended as to read as follows:

Section  
amended.

(2629.) SEC. 5. Such association is authorized to enter upon, and construct, and maintain lines of telegraph through, along, and upon any of the public roads or highways, and across or under any of the waters or rivers within the limits of the State, and upon or over any of the public lands of this State, by the erection of the necessary fixtures, including posts, piers or abutments, for sustaining the cords or wires of such lines: *Provided*, That the same shall not be so constructed as to incommode the public use of said roads or highways, or injuriously interrupt the navigation of said waters or rivers; nor shall this act be so construed as to authorize the construction of any bridge across any of the waters or rivers of this State. Said association, instead of running or placing their wires on posts, may, if they choose, run or place the same under ground

Association  
authorized  
to construct  
lines of tele  
graph.

Proviso.

Wires may  
be placed  
under  
ground.

Further  
proviso.

Pine trees  
not to be cut.

with a suitable or proper covering for the protection of the same; and any part of this act, or any law made or to be made providing for the appraisement of damages to any person injured by the construction or maintenance of such line or lines, shall be construed to include damages occasioned by the construction of said lines under ground, as provided by this act: *And provided further*, That in clearing a right of way over or upon any of the public lands of this State, for the construction and maintenance of a telegraph line, no white or yellow pine trees suitable for timber shall be cut down or injured, and no timber of any kind upon said lands, shall be appropriated by the association constructing or maintaining said telegraph line, except a sufficient number of posts upon which to erect the same, in no case to exceed twenty-five of such posts from any forty-acre tract of State land actually traversed by said telegraph line.

Approved March 14, 1873.

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[ No. 29. ]

AN ACT to amend section one hundred and seventy-four of chapter one hundred and seventy-eight, being section five thousand four hundred and twenty-two of the compiled laws of eighteen hundred and seventy-one, relative to "Courts held by justices of the peace."

Section  
amended.

SECTION 1. *The People of the State of Michigan enact*, That section one hundred and seventy-four of chapter one hundred and seventy-eight, being section five thousand four hundred and twenty-two of the compiled laws of eighteen hundred and seventy-one, entitled "Of courts held by justices of the peace," be amended so as to read as follows:

Females  
subject to  
same penal-  
ties as males

(5422.) SEC. 174. Any justice of the peace having jurisdiction, and before whom any female may have been convicted of violating any of the provisions of chapter sixty-nine of the compiled laws of eighteen hundred and seventy-one, embrac-



ing an act entitled "An act to prevent the manufacture and sale of spirituous or intoxicating liquors as a beverage," may issue an execution against the body of such female, and she shall be subject to all the like penalties and proceedings mentioned in said act as are males: *Provided*, That for no other Proviso. cause shall a female be arrested or imprisoned upon any execution issued by a justice of the peace.

Approved March 14, 1873.

[ No. 30. ]

AN ACT to amend sections two and six, and to repeal section nine of an act entitled "An act to establish an Insurance Bureau," approved April thirteen, eighteen hundred and seventy-one, being sections one thousand six hundred and seventy-four, one thousand six hundred and seventy-eight, and one thousand six hundred and eighty-one of the compiled laws of eighteen hundred and seventy-one.

SECTION 1. *The People of the State of Michigan enact*, That Sections amended. sections two and six of an act entitled "An act to establish an Insurance Bureau," approved April thirteenth, eighteen hundred and seventy-one, be amended so as to read as follows:

(1674.) SEC. 2. The chief officer of said department shall be Commissioner of Insurance. denominated the Commissioner of Insurance. He shall be a citizen of this State, and shall reside, during the term of his office, at the seat of government, and personally superintend the duties of his office; and shall not be directly or indirectly connected with the management or affairs of any insurance company. He shall be appointed by the Governor, by and with the consent of the Senate, and shall hold his office for the term Appointment, term of office, and salary. of two years; he shall receive an annual salary of two thousand dollars, to be paid quarterly, on the warrant of the Auditor General. He may appoint a deputy, with the approbation of the Deputy. Governor, and revoke such appointment at pleasure. Such Powers, duties, salary, etc. deputy shall take and subscribe the oath prescribed by the constitution, and whenever the Commissioner of Insurance

shall, by reason of sickness, absence, or other cause, be disabled from executing the duties of his office, his deputy, duly appointed, shall execute the duties thereof until such disability be removed, or until a Commissioner shall be appointed, and such deputy shall receive an annual salary of twelve hundred dollars. The Commissioner may employ a regular clerk to discharge such duties as he may assign him, whose compensation shall not exceed one thousand dollars per annum; the salaries of such deputy and clerks to be paid monthly on the warrant of the Auditor General. Whenever a vacancy shall occur in said office of Commissioner, by reason of death, removal, or otherwise, the Governor shall fill such vacancy by appointment, by and with the advice and consent of the Senate, if in session. Within fifteen days from the time of notice of his appointment the Commissioner shall take and subscribe the oath of office prescribed by the constitution, and file the same in the office of the Secretary of State; and the said Commissioner of Insurance shall give to the people of the State of Michigan a bond in the penalty of ten thousand dollars, with sureties to be approved by the Auditor General, conditioned for the faithful discharge of the duties of his office.

Clerk; compensation of.

Vacancy.

Oath of office.

Bond.

Office and expenses thereof.

(1678.) SEC. 6. There shall be assigned to the said Commissioner by the Secretary of State, at Lansing, suitable rooms for the conducting the business of said bureau; the necessary expenses of which shall be audited by the Board of State Auditors on the certificate of the Commissioner, and paid on the warrant of the Auditor General.

Section repealed.

SEC. 2. Section nine of said act, being section sixteen hundred and eighty-one of chapter forty-four of the compiled laws of eighteen hundred and seventy-one, is hereby repealed.

SEC. 3. This act shall take immediate effect.

Approved March 14, 1873.

[ No. 31. ]

**AN ACT** to amend section twenty-two of chapter one hundred and seventy-six of the compiled laws of eighteen hundred and seventy-one, relative to the courts of chancery, being section five thousand and fifty-eight.

**SECTION 1.** *The People of the State of Michigan enact,* That <sup>Section amended.</sup> section twenty-two of chapter one hundred and seventy-six of the compiled laws of eighteen hundred and seventy-one, relative to the courts of chancery, be and hereby is amended so as to read as follows:

(5058.) **SEC. 22.** Every suit in chancery shall be commenced <sup>Suits in chancery, when commenced.</sup> in the circuit court for the county in which the property in dispute is situated, if the subject matter is local, and if it is not local, in the county where one of the parties in interest resides, if either is a resident of the State; but if the subject matter is not local, and neither party resides in the State, the suit may be brought in any county; and where it is necessary to file an information or bill in chancery, either to compel the specific performance of contract, cancellation of patents from the State, quiet title, or otherwise to affect real estate; and when such real estate may be situate in different counties, it shall be competent to file such information or bill in the equity side of the circuit court of any one of said counties in which a part of said real estate may be situate; and such court shall have complete jurisdiction in the premises as fully and effectually as if the whole of such estate were situate in the county in which suits may be commenced. And when it may be <sup>When in behalf of the State.</sup> necessary to file a bill or information or to commence any proceedings in chancery on the part or in behalf of the State, the same may, at the election of the Attorney General, be commenced in the circuit court for the county of Ingham, in the equity side thereof, and said court shall have complete jurisdiction and full power and authority in the premises.

**SEC. 2.** This act shall take immediate effect.

Approved March 14, 1873.

[ No. 32. ]

AN ACT to extend aid to the University of Michigan, and to repeal an act entitled "An act to extend aid to the University of Michigan," approved March fifteenth, eighteen hundred and sixty-seven, being sections three thousand five hundred and six and three thousand five hundred and seven of the compiled laws of eighteen hundred and seventy-one.

Amount of  
assessment.

How paid.

Proviso.

Section  
repealed.

Taxes levied  
and assessed  
under re-  
pealed sec-  
tions, to be  
collected.

SECTION 1. *The People of the State of Michigan enact, That* that there shall be assessed upon the taxable property of this State, as fixed by the State Board of Equalization in the year one thousand eight hundred and seventy-three, and in each year thereafter, for the use and maintenance of the University of Michigan, the sum of one-twentieth of a mill on each dollar of said taxable property, to be assessed and paid into the treasury of the State in like manner as other State taxes are by law levied, assessed, and paid; which tax, when collected, shall be paid by the State Treasurer to the Board of Regents of the University, in like manner as the interest on the University Fund is paid to the treasurer of said board: *Provided,* That if at any time prior to the year eighteen hundred and eighty-one the said one-twentieth of a mill upon such valuation shall exceed the sum of fifty thousand dollars, then only fifty thousand dollars shall be so assessed. And the Regents of the University shall make an annual report, to the Governor of the State, of all the receipts and expenditures of the University.

SEC. 2. Sections one and two of an act entitled "An act to extend aid to the University of Michigan," being sections three thousand five hundred and six, and three thousand five hundred and seven of the compiled laws of eighteen hundred and seventy-one are hereby repealed; but the taxes levied and assessed under the sections hereby repealed shall be collected and paid to the treasurer of the Board of Regents, as though said sections had not been repealed.

\* Received at the Executive Office, March 4th, 1873.

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\* Becomes a law under section 14 of Article IV. of the Constitution, without the approval of the Governor.

[ No. 33. ]

AN ACT making an appropriation for the support of the State Agricultural College, to pay the arrearages of the same, to pay the expenses of the State Board of Agriculture, and for buildings and other improvements at the Agricultural College.

SECTION 1. *The People of the State of Michigan enact*, That there shall be and is hereby appropriated out of the State treasury the sum of fifteen thousand dollars for the year one thousand eight hundred and seventy-three, and the sum of thirteen thousand dollars for the year one thousand eight hundred and seventy-four, for the use and support of the State Agricultural College, and to pay the expenses of the State Board of Agriculture; also the sum of six thousand seven hundred and ninety-six dollars, to pay the arrearages of the State Agricultural College, which said arrearages shall be paid in the year one thousand eight hundred and seventy-three.

Appropriations for support of college.

Expenses of Board and arrearages.

SEC. 2. There shall be and is hereby appropriated out of the State treasury the sum of eighteen thousand dollars to erect and finish a president's house and two professors' houses; also eight thousand dollars to erect a greenhouse; also three thousand seven hundred and sixty-four dollars for the improvement of buildings and grounds at said college; also the sum of one thousand four hundred and forty dollars for the library and chemical laboratory of said college, said amounts embraced in this section, aggregating thirty-one thousand two hundred and four dollars, to be paid, one-half of the same in the year one thousand eight hundred and seventy-three, and one-half of the same in the year one thousand eight hundred and seventy-four; which said moneys provided for in this act, or so much thereof as may be necessary, shall be expended under the direction and control of the State Board of Agriculture for the purposes aforesaid, and shall be drawn from the treasury on the presentation of the proper certificates of the said board to the Auditor General, and on his warrant to the State Treasurer.

Appropriations for houses, improvements, library, etc.

How drawn and expended.

**How raised.** SEC. 3. There shall be assessed upon the taxable property of the State in the year one thousand eight hundred and seventy-three the sum of thirty-seven thousand three hundred and ninety-eight dollars, and in the year one thousand eight hundred and seventy-four the further sum of twenty-eight thousand six hundred and two dollars, assessed and levied in like manner as other State taxes are by law levied, assessed, and paid, which tax when collected shall be credited up to the general fund, to re-imburse to the same the sum to be drawn therefrom, as provided in sections one and two of this act.

SEC. 4. This act shall take immediate effect.

Approved March 18, 1873.

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[ No. 34. ]

AN ACT to allow mutual marine insurance companies to transact business within this State.

**Mutual  
marine  
insurance  
companies,  
how admit-  
ted.**

SECTION 1. *The People of the State of Michigan enact*, That it shall be lawful for such mutual insurance companies, organized under the laws of any other State, as transact the business of marine or inland insurance exclusively, to do business in this State, with the consent of the Commissioner of Insurance of this State, upon filing the statements, making the applications, and complying in all respects, so far as applicable with the provisions of an act entitled "An act relative to the organization and powers of fire and marine insurance companies transacting business in this State," chapter ninety-nine (99) of the compiled laws of eighteen hundred and seventy-one, and all acts amendatory thereof; and the Commissioner of Insurance is hereby authorized to admit such mutual insurance companies to do marine and inland insurance exclusively, upon their complying with all the provisions of said act, except the requirement as to paid in capital stock: *Provided*, Said Commissioner of Insurance may at any time, when he shall have knowledge or good reason to believe any such company is not

**Proviso.**

sound, or has made any false statement of its condition, to revoke such permit and all certificates granted to such company and its agents, and require them to discontinue business in this State. Any agent of such company refusing to obey the order of such Commissioner to discontinue business, or writing risks in any company excluded by such Commissioner, after notice of such exclusion, or of a revocation of its certificate of authority by such Commissioner, shall be guilty of a misdemeanor, and may be punished upon conviction thereof, as in other cases of misdemeanor, in the discretion of the court.

SEC. 2. This act shall take immediate effect.

Approved March 20, 1873.

[ No. 35. ]

AN ACT to amend section twenty-two of an act approved February fourteenth, eighteen hundred and fifty-nine, entitled "An act further to preserve the purity of elections, and to guard against the abuse of the elective franchise by a registration of electors," being section one hundred and eighty of the compiled laws of eighteen hundred and seventy-one.

SECTION. 1. *The People of the State of Michigan enact, That* <sup>Section amended.</sup> section twenty-two of an act entitled "An act further to preserve the purity of elections and to guard against the abuse of the elective franchise by a registration of electors," approved February fourteenth, eighteen hundred and fifty-nine, be and the same is hereby amended so as to read as follows:

VILLAGE ELECTIONS.

(180.) SEC. 22. Whenever any village shall be set off, organized, or incorporated, by act of the Legislature, or by the <sup>Duty of inspectors.</sup> board of supervisors of any county, pursuant to the laws of this State, it shall be the duty of the persons named or appointed to act as inspectors of the first election to be held in such village, to procure from the clerk of the township or of the townships respectively, within which such village may

Duty of  
township  
clerk.

Inspectors  
of election  
and appli-  
cants for  
registration.

When cop-  
ies must be  
furnished.

Duty, etc.,  
of president  
and trustees  
after village  
is organized,  
in regard to  
elections.

wholly or in part lie ; and it is hereby made the duty of the township clerk to furnish to them, at the expense of such village, from the register of the electors of the township or townships within which such village is situated, a true copy of the names of all the electors residing within the limits of such village, contained upon the registration books of such township or townships, for a village election register for such first election, such copy or list to be certified to by the clerk of the township, and to be delivered to the said inspectors of election appointed for such village, to be used for the purpose of such first village election, in the same manner and to the same effect as is above provided for the general election and township meetings in townships, as near as may be ; and there are hereby given to the inspectors of any such village election, the same power and authority, and to applicants for registration the same rights and privileges, which are given to township inspectors, and to applicants at township elections respectively, at such elections ; and such inspectors and applicants, and other persons mentioned in the foregoing provisions, regulating elections in townships, are charged with the same duties and subject to the same penalties and liabilities as are provided in like cases at such elections in townships ; and the vote of no person shall be received at such election whose name is not written in such register, or in the copy thereof used by the inspectors of such first election. Such copy of the township election register for the use of such village election, shall be furnished at least ten days previous to the time fixed for holding such first village election, on the application of the persons named as such inspectors, or either of them ; and if no persons are named as such inspectors, upon the written request of any three qualified electors in said village, to be delivered to the proper inspectors when appointed and chosen, and to be used as above specified and provided. It shall be the duty of the president and trustees of every village, after the same shall be fully organized, to conduct the registration of electors in such



village for village elections, and for such purpose shall give at least ten days' notice, by publication in a public newspaper, or by posting notices in not less than six public places in said village, of the annual meeting of the village board of registration, for such village; and on the Saturday next preceding the time specified for holding the annual village election, the president and trustees, or three of their number, shall meet as a board of registration for such village; and all the proceedings of such board shall be conducted, and the board shall possess and exercise the same duties and powers, and be subject to the same liabilities, and the electors shall be entitled to all the rights and privileges, in making such registration, as provided herein for registration in townships, as nearly as the same can be made applicable to such registration and election.

Approved March 20, 1873.

[ No. 36. ]

AN ACT to authorize and empower the board of control of State swamp lands, to make an appropriation of State swamp lands to aid in the construction of a railroad from the straits of Mackinaw to Marquette harbor, on Lake Superior.

SECTION 1. *The People of the State of Michigan enact, That* Board of control may make appropriation of swamp lands  
to secure the early construction of a railroad from the straits of Mackinaw to Marquette harbor, on Lake Superior, and for the purposes of drainage and reclamation, the board of control of State swamp lands are authorized and empowered, if by them deemed expedient and to the best interests of the State and to the section of country to be penetrated by said railroad, to appropriate not to exceed ten sections of State swamp lands per mile to any railroad company that shall construct and complete such railroad in running order, on or before December thirty-first, eighteen hundred and seventy-five.

SEC. 2. To further the construction of said railroad, and for the better protection of the interests of the State, the board of control, as aforesaid, shall have full power and authority over Power and authority of board.

Where lands shall be selected. said lands, the reservations necessary, and the limitations and privileges requisite in the application of such lands to such purpose: *Provided*, Said lands shall be selected from the vacant and unreserved State swamp lands in the counties of Mackinaw, Chippewa, Schoolcraft, and not to exceed one hundred sections in the county of Marquette: *And provided*, There shall be no extension of the time for the completion of said railroad beyond the date named in this act: *And provided further*, That said appropriated lands shall become taxable as soon and as fast as they are earned by the company constructing said railroad.

Time not to be extended.

When lands shall become taxable.

Board shall give notice of the letting of contract.

Contract to be let to company which will build for least number of acres.

SEC. 3. It shall be the duty of said board of control to give thirty days' public notice of the letting of the contract for the construction of said railroad under the provisions of this act, and if upon the day named in such notice, which shall be on or before the first day of July in the year of our Lord one thousand eight hundred and seventy-three, two or more responsible railroad companies shall compete for the construction of said railroad, the board may, if they shall deem it for the best interest of the State, let the contract to that responsible company which will enter into bonds to the State of Michigan, satisfactory to said board of control, conditioned for the completion of said railroad for the least number of acres of said lands.

SEC. 4. This act shall take immediate effect.

Approved March 21, 1873.

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[ No. 37. ]

### AN ACT relative to the payment of taxes.

Application with sufficient funds to pay taxes, etc., to prevent further interest and charges.

SECTION 1. *The People of the State of Michigan, enact*, That any person making application in writing at the office of the Auditor General to pay the taxes upon any parcel of land returned or returnable for the non-payment of taxes thereon, which he shall so describe as that from his description

thereof it can be determined whether such parcel of land has been returned to the Auditor General, and accompanying such application with such funds as are receivable at the State Treasury sufficient in amount to pay the taxes, interest, and other legal charges to the day of such application, shall receive the same benefit from such application, as to the stopping of interest and charges upon such taxes, as though the tax receipts were made on the day of such application. And when a tax receipt is made for the lands covered by such application, the date of the receipt of the funds as above shall be stated thereon and the interest and charges shall be computed to such date only: *Provided*, That such application shall be received by the Auditor General on or after the first day of April next succeeding the year in which the tax was levied.

Interest and charges to be computed to date of application.

Proviso.

SEC. 2. This act shall take immediate effect.

Approved March 22, 1873.

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[ No. 38. ]

AN ACT to authorize the transfer of certain unexpended balances of appropriations heretofore made for the "Soldiers' National Cemetery," at Gettysburg, and for the "Antietam National Cemetery."

SECTION 1. *The People of the State of Michigan enact*, That the balances standing to the credit of the appropriations heretofore made for the "Soldiers' National Cemetery" at Gettysburg, and the "Antietam National Cemetery," be and the same are hereby transferred to the general fund.

Unexpended balances transferred to general fund.

SEC. 2. This act shall take immediate effect.

Approved March 22, 1873.

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[ No. 39. ]

AN ACT to cede jurisdiction to the United States of America over lands to be occupied in the enlargement and improvement of the Saint Mary's Falls Ship Canal, Michigan.

SECTION 1. *The People of the State of Michigan enact*, That the jurisdiction of this State is hereby ceded to the United

Lands over which jurisdiction is ceded.

States of America over all such pieces or parcels of land as are required and selected by the United States for the enlargement and improvement of the Saint Mary's Falls Ship Canal: *Provided*, That an accurate description and plats of such parcels of lands to be so selected, with a statement of such selection by the United States, shall be filed by the United States with the Governor of this State.

Exempt  
from taxes.

SEC. 2. The lands aforesaid, when so ceded, shall forever be exempt from all taxes and assessments so long as the same shall remain the property of the United States: *Provided always*,

Proviso in  
regard to  
jurisdiction.

And this cession is upon the express condition, that the State of Michigan shall so far retain jurisdiction with the United States in and over the tracts of land aforesaid, that all civil and criminal process issued under the authority of this State, or any officer thereof, may be executed on said lands, and in the buildings that may be erected thereon, in the same manner as if jurisdiction had not been ceded as aforesaid; and all crimes committed on said territory shall be cognizant by the State courts as though this act had not been made.

SEC. 3. This act shall take immediate effect.

Approved March 22, 1873.

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[ No. 40. ]

**AN ACT** to repeal act number one hundred and eighty-six, of eighteen hundred and seventy one, entitled "An act directing the Secretary of State to provide the electors of this State with uniform ballots on constitutional amendments," approved April seventeenth, eighteen hundred and seventy-one, being section one hundred and ninety-six, of compiled laws of eighteen hundred and seventy-one.

Act repealed

SECTION 1. *The People of the State of Michigan enact*, That act one hundred and eighty-six of laws of eighteen hundred and seventy-one, entitled "An act directing the Secretary of State to provide the electors of this State with uniform ballots on constitutional amendments," approved April seventeenth, eighteen hundred and seventy-one, being section one hundred

and ninety-six of compiled laws of eighteen hundred and seventy-one be and the same is hereby repealed.

Approved March 22, 1873.

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[ No. 41. ]

AN ACT prescribing the duties of the Auditor General in certain cases, and his compensation therefor.

SECTION 1. *The People of the State of Michigan enact, That* Auditor General to obtain lists of lands liable to taxation and forward to county treasurers.  
it shall be the duty of the Auditor General to obtain from the office of the Secretary of the Interior, a full list of all lands earned and patented by any railroad company of the State under any law granting public lands for the purpose of aiding in the construction of such railroads, which may be liable to taxation, and forward a copy of such lists of said lands to the county treasurer of the proper county in which the same are located, on or before the first day of April in each year.

SEC. 2. The Auditor General shall receive only such com- Compensation.  
pensation for his services as required by section one of this act, as shall be necessary to pay the proper officer at Washington for making and forwarding the lists aforesaid, and the amount so paid shall be audited by the Board of State Auditors, and paid to the Auditor General out of the treasury of the State.

SEC. 3. This act shall take immediate effect.

Approved March 22, 1873.

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[ No. 42. ]

AN ACT to re-organize the ninth and fourteenth judicial circuits, and to create the twentieth judicial circuit.

SECTION 1. *The People of the State of Michigan enact, That* Twentieth circuit.  
the counties of Allegan and Ottawa are hereby formed into one judicial circuit, and to be known and designated as the Twentieth Judicial Circuit.

Ninth circuit

SEC. 2. That the counties of Kalamazoo and Van Buren are hereby formed into one judicial circuit, and to be known as the Ninth Judicial Circuit.

Fourteenth circuit.

SEC. 3. That the counties of Muskegon, Oceana, Newaygo, and Mecosta are hereby formed into one judicial circuit, to be known as the Fourteenth Judicial Circuit.

Circuit judge, when elected and term of office

SEC. 4. The qualified voters of the counties mentioned in section one of this act shall, on the first Monday of April in the year one thousand eight hundred and seventy-three, elect a circuit judge, who shall hold his office commencing on the first day of May, eighteen hundred and seventy-three, and ending on the first day of January, eighteen hundred and seventy-six, and until his successor is elected and qualified.

Term of office of the judges of the the ninth and fourteenth circuits.

SEC. 5. The judges of the present fourteenth and ninth judicial circuits shall continue to hold their office as judges of the fourteenth and ninth judicial circuits, as herein re-organized, for the balance of their unexpired terms, and shall continue to hold courts throughout their present circuits until the first day of May in the year one thousand eight hundred and seventy-three.

Duty of sheriff to notify township clerks and ward inspectors of election.

SEC. 6. It shall be the duty of the sheriffs in the counties mentioned in section one of this act, at least ten days previous to the first Monday in April, in the year one thousand eight hundred and seventy-three, to notify the township clerk of each township, and one of the inspectors of election in each ward of any city in their respective counties, of said election of circuit judge, and the township clerk and ward inspectors shall post notices in the usual manner for such election in their townships and wards at least three days previous to the day of election.

Duty of township clerk and ward inspectors.

Manner of conducting election.

SEC. 7. The said election of circuit judge shall be conducted and returns made as provided by law for the election of circuit judges for the several judicial circuits of this State; and the State canvassers shall, without delay, on receipt of the certified statement of the votes given in the said counties

named in the first section of this act, proceed to canvass said votes, and deliver to the person elected a copy of their determination as required by law; and no person shall hold the office of circuit judge of said judicial circuit unless he shall be a resident thereof. Canvass of votes.

SEC. 8. All acts or parts of acts contravening the provisions of this act are hereby repealed. Acts repealed.

SEC. 9. This act shall take immediate effect.

Approved March 25, 1873.

[ No. 43. ]

AN ACT to provide punishment for fraudulently removing or embezzling goods and chattels, leased, or subject to contracts of purchase.

SECTION 1. *The People of the State of Michigan enact*, That any person who shall fraudulently embezzle, remove, conceal, or dispose of any goods or chattels, leased or let to him by any written lease, or other instrument in writing intended to operate as a lease, or any personal property of another in his possession under a contract of purchase, not yet fulfilled; and any person in possession of such goods or chattels, knowing them to be subject to such lease or contract of purchase, who shall so embezzle, remove, conceal, or dispose of the same with intent to injure or defraud the lessor or owner thereof, shall be deemed guilty of a misdemeanor and punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding three months, or both, in the discretion of the court. Removing or embezzling goods leased, with intent to defraud to be deemed a misdemeanor or.

SEC. 2. Any justice of the peace of the county, or any municipal or police court of any city where the offense was committed, shall have jurisdiction to hear, try, and determine all cases arising under this act. Who to have jurisdiction of cases.

Approved March 25, 1873.

[ No. 44. ]

AN ACT to amend sections nine and ten of an act for the relief of school districts, approved February seven, eighteen hundred and fifty-five, being sections three thousand seven hundred and twenty-one and three thousand seven hundred and twenty-two of chapter one hundred and thirty-six of the compiled laws of eighteen hundred and seventy-one.

Section  
amended.

SECTION 1. *The People of the State of Michigan enact*, That sections nine and ten of an act for the relief of school districts, approved February seven, eighteen hundred and fifty-five, being sections three thousand seven hundred and twenty-one and three thousand seven hundred and twenty-two of chapter one hundred and thirty-six of the compiled laws of eighteen hundred and seventy-one, be and the same are hereby amended so as to read as follows:

On payment  
court may  
decree that  
title be vest-  
ed in school  
district.

(3721.) SEC. 9. Upon satisfactory evidence being presented to the circuit court of the county where such real estate lies, that such judgment, or the sum ascertained and determined by the jury as the just compensation to be paid by such district for such site, has been paid, or that the amount thereof has been deposited according to the provisions of the preceding sections, such court shall, by an order or decree, adjudge and determine that the title in fee of such real estate shall, from the time of making such payment or deposit, forever thereafter be vested in such school district and its successors and assigns, and shall, in and by such order or decree, award to such school district a writ of possession for the recovery of the possession of such real estate; a copy of which order or decree, certified by the clerk of said county, shall be recorded in the office of the register of deeds of such county, and the title of such real estate shall thenceforth, from the time of making such payment or deposit, be vested forever thereafter in such school district and its successors and assigns in fee.

When dis-  
trict may  
take posses-  
sion.

(3722.) SEC. 10. Such school district may, at any time after making the payment or deposit hereinbefore required, enter upon and take possession of such real estate for the use of



said district. And it shall be the duty of the county clerk of said county, on the request of said school district, to issue out of and under the seal of the circuit court of said county a writ of possession as awarded in such order or decree; which writ shall be directed to the sheriff of such county, and shall be tested and made returnable, and shall be substantially, so far as may be, in the same form provided for writs of possession in actions of ejectment; and it shall be the duty of such sheriff thereupon to remove the respondent or respondents in such proceedings, and all persons holding under them or either of them, from the real estate described in such decree and in such writ, and deliver the possession thereof with the appurtenances to such school district.

Writ of possession, and duty of clerk and sheriff in relation thereto.

Approved March 27, 1873.

[ No. 45. ]

AN ACT to authorize the purchase and improvement of grounds in a cemetery in or near Detroit, for the interment of deceased Michigan soldiers not otherwise provided a final resting-place, and to make the necessary appropriations therefor.

SECTION 1. *The People of the State of Michigan enact*, That there shall be and is hereby appropriated out of the military fund the sum of six thousand dollars, or such part thereof as may be necessary, for purchasing and improving lots or grounds in a cemetery in or near Detroit, to be set apart and used exclusively as a place of interment for deceased Michigan soldiers and sailors of the war of the rebellion, not otherwise provided a final resting-place, and for the re-interment of soldiers and sailors heretofore buried in Elmwood cemetery under the direction of the State Military Board.

Appropriation.

SEC. 2. That the State Military Board are hereby authorized to contract for the purchase and improvement of the said lots or grounds, and to take a deed therefor in the name of the State of Michigan, which deed shall be filed with the Secretary

State Military Board authorized to purchase grounds.

Deed, where  
filed.  
Expendi-  
tures, how  
made, etc.

Grounds to  
remain in  
charge of  
Board.

of State and approved by him. The expenditures under this act shall be upon the certificate of the said Board, upon which the Auditor General shall draw his warrant upon the State Treasurer in favor of the corporation or parties to whom the money may be due. The grounds shall remain under the charge and control of the State Military Board.

SEC. 3. This act shall take immediate effect.

Approved March 27, 1873.

[ No. 46. ]

AN ACT to amend section one of an act entitled "An act to revise and consolidate the several acts relating to the protection of game, and for the better preservation of elk, deer, birds, and wild fowl," approved April three, eighteen hundred and sixty-nine, being section two thousand and ninety-three of the compiled laws of eighteen hundred and seventy-one.

Section  
amended.

SECTION 1. *The People of the State of Michigan enact, That* section one of an act, entitled "An act to revise and consolidate the several acts relating to the protection of game, and for the better preservation of elk, deer, birds, and wild fowl," approved April three, eighteen hundred and sixty-nine, being section two thousand and ninety-three of the compiled laws of eighteen hundred and seventy one, be and the same is hereby amended so as to read as follows:

When game  
may be  
hunted.

(2093.) SECTION 1. *The People of the State of Michigan enact, That* no person or persons shall pursue, or hunt, or kill any wild elk, wild buck, doe, or fawn, save only during the months of October, November, and December in each year; or kill or destroy by any means whatever, or attempt to take or destroy any wild turkey at any time during the year, except in the months of September, October, November, and December in each year; or kill or destroy, by any means whatever, any woodcock until after the fifth day of July; or any prairie chicken, or pinnated grouse, ruffed grouse, commonly

called partridge or pheasant, or any wood duck, teal duck, or mallard duck, save only from the first day of September in each year to the first day of January next following.

Approved March 27, 1873.

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[ No. 47. ]

AN ACT to amend section ninety-seven of an act entitled, "An act to provide for the uniform assessment of property, and for the collection and return of taxes thereon," approved April six, eighteen hundred and sixty-nine, being section one thousand and sixty-three of the compiled laws of eighteen hundred and seventy-one.

SECTION 1. *The People of the State of Michigan enact*, That section ninety-seven of an act entitled, "An act to provide for a uniform assessment of property, and for the collection and return of taxes thereon," approved April six, eighteen hundred and sixty-nine, being section one thousand and sixty-three of the compiled laws of eighteen hundred and seventy one, be and the same is hereby amended to read as follows: Section amended.

Sec. 97. Every county treasurer shall, before entering upon the duties of his office, execute to the Auditor General a bond, in such sum as the said Auditor General shall direct, with three or more sureties, to be approved of by the prosecuting attorney, probate judge, or circuit court commissioner of the proper county, and the said Auditor General, conditioned that such treasurer, his deputy, and all persons employed in his office, shall render a just and true account of all moneys received by him or them for the sales of lands at the annual tax sales, and for redemption thereof, and all other money which may otherwise come into his or their hands, belonging to the State, and that he or they shall faithfully and promptly pay to the State Treasurer all such moneys received as aforesaid, within thirty days after the receipt thereof, and at other times whenever required so to do by the Auditor General, which bond shall be filed in said office Bond of county treasurer to Auditor General.

Auditor  
General may  
require addi-  
tional sure-  
ties.

of said Auditor. And whenever, after the filing of the bond herein required, the sureties thereon shall be deemed insufficient by the Auditor General, or the amount for which the bond was executed shall be deemed too small, he may require of the county treasurer whose sureties are so deemed insufficient, additional surety or sureties, to be re-approved as aforesaid, and for such further sum as he may deem necessary.

Of failure of  
treasurer to  
procure  
additional  
sureties.

And if any county treasurer whose sureties are so deemed insufficient shall fail to procure other and satisfactory sureties, and for such increased amount as may be directed by the Auditor General, within ten days after he shall have received notice of such requirement or requirements, such failure may be deemed sufficient cause for the removal from office of such county treasurer, and the provisions of this act shall apply to county treasurers who have filed bonds with the Auditor General, as heretofore required, except as to the time of filing thereof. And all county treasurers who have not filed bonds as required, shall, immediately upon the approval of this act, file the bond herein required, and conditioned as above provided.

SEC. 2. This act shall take immediate effect.

Approved March 27, 1873.

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[ No. 48. ]

AN ACT to amend "An act to provide for the incorporation of associations for the publication of periodicals, newspapers, books, tracts, documents, and other publications," being act number ninety-seven, approved March seven, eighteen hundred and sixty-one, by adding a new section thereto to stand as section five of said act.

Section  
added.

SECTION 1. *The People of the State of Michigan enact*, That act number ninety-seven of the laws of eighteen hundred and sixty-one, approved March seventh, eighteen hundred and sixty-one, be amended by adding a new section thereto to stand as section five of said act, as follows:

SEC. 5. Any association heretofore organized, or which shall hereafter be organized under the provisions of this act, shall be authorized to carry on all kinds of book and job printing and publishing, and the manufacture of books and of printed stationery, and all other business incident to the printing and publishing business. Business which association is authorized to carry on.

SEC. 2. This act shall take immediate effect.

Approved March 27, 1873.

[ No. 49. ]

AN ACT to amend section two thousand and eighty-seven of the compiled laws of eighteen hundred and seventy-one, being section one of an act entitled "An act to prevent fishing with seines and pound or trap-nets in the small inland lakes and streams in the State of Michigan," approved March eleven, eighteen hundred and sixty-five.

SECTION 1. *The People of the State of Michigan enact*, That section two thousand and eighty-seven of the compiled laws of eighteen hundred and seventy-one be and the same is hereby amended so as to read as follows: Section amended.

(2087.) SECTION 1. *The People of the State of Michigan enact*, That it shall not be lawful hereafter at any time to fish with seines, trap-nets, pound-nets, dip-nets, or any species of continuous nets, or during the months of March, April, May, and June, by spearing or shooting in any of the waters of the State of Michigan, except Lakes Michigan, Superior, Huron, St. Clair, the St. Clair and the Detroit Rivers, and Lake Erie: *Provided*, Nothing in this act shall be construed as prohibiting sole owners of fish ponds from fishing therein, as they may think proper. Fishing with seines, etc., prohibited. Proviso.

Approved March 27, 1873.

[ No. 50. ]

AN ACT to amend section five hundred and forty-three of the compiled laws of eighteen hundred and seventy-one, relating to the duties of county clerks.

Section  
amended.

SECTION 1. *The People of the State of Michigan enact*, That section five hundred and forty-three of the compiled laws of eighteen hundred and seventy-one, be and the same is hereby amended so as to read as follows:

Clerk to  
transmit list  
of justices to  
Secretary of  
State.

(543.) SEC. 66. The clerk of each county shall transmit to the Secretary of State annually, within one week after the fourth day of July, a list, certified by him, of all justices of the peace of the county, stating the time of their respective elections and their terms of service, their postoffice addresses, and whether elected to fill a vacancy, and if so, what vacancy; and whenever the county clerk shall receive information of the death, removal, or resignation of any justice of the peace of his county, it shall be his duty, forthwith, to notify the Secretary of State of such vacancy; he shall also annually, immediately after receiving from the township and city clerks of his county the names and postoffice addresses of the township and city officers, transmit to the Secretary of State the names and postoffice addresses of the several township and city clerks and supervisors, with the name of the township or city for which they are such clerks and supervisors set opposite their respective names.

Also of  
township  
and city  
clerks, and  
supervisors.

SEC. 2. This act shall take immediate effect.

Approved March 27, 1873.

[ No. 51. ]

AN ACT making an appropriation for library, apparatus, and furniture for the State Normal School.

Appropri-  
ation.

SECTION 1. *The People of the State of Michigan enact*, That there shall be and is hereby appropriated out of the State Treasury for the use of the State Normal School the sum of

two thousand and five hundred dollars for the year one thousand eight hundred and seventy-three, and the sum of two thousand and five hundred dollars for the year one thousand eight hundred and seventy-four; the same to be drawn from the State Treasury by the State board of education in the same manner as other appropriations for the State Normal school, and applied by the said board in the purchase of necessary books, apparatus, and furniture for the use of the said Normal School.

SEC. 2. This act shall take immediate effect.

Approved March 27, 1873.

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[ No. 52. ]

**AN ACT** to further amend section six of act number ninety, two of the session laws of eighteen hundred and seventy-one entitled "An act to amend sections six, twenty-four, twenty-six, twenty-eight, twenty-nine, thirty-one, thirty-three, and thirty-four of act number one hundred and thirty-six of session laws of eighteen hundred and sixty-nine, entitled 'An act relative to the organization and powers of fire and marine insurance companies transacting business within this State,'" approved April third, eighteen hundred and sixty-nine, and to add two new sections thereto to stand as sections forty and forty-one, approved April twelve, eighteen hundred and seventy-one.

**SECTION 1.** *The People of the State of Michigan enact, That* section six of act number ninety-two of the session laws of eighteen hundred and seventy-one, entitled, "An act to amend sections six, twenty-four, twenty-six, twenty-eight, twenty-nine, thirty-one, thirty-three, and thirty-four, of act number one hundred and thirty-six of session laws of eighteen hundred and sixty-nine, entitled, 'An act relative to the organization and powers of fire and marine insurance companies transacting business within the State,'" approved April third, eighteen hundred and sixty-nine, and to add two new sections thereto <sup>Section amended.</sup>

to stand as sections forty and forty-one, be, and the same are hereby further amended to read as follows:

Stock com-  
panies: Cap-  
ital stock;  
amount re-  
quired and  
how may be  
increased.

When  
mutual com-  
panies may  
commence  
business.

Notes,  
amount of  
each limited,  
etc.

When re-  
garded as  
capital stock

When pay-  
able.

When ac-  
cepted as  
part of capi-  
tal stock.

When not to  
be surren-  
dered.

SEC. 6. The capital stock of any stock company, organized under this act, shall not be less than one hundred thousand dollars, in shares of not less than twenty-five or more than fifty dollars each, which capital stock may be increased by a vote of two-thirds of the stockholders to not more than one million dollars; nor shall any company hereafter organized on the plan of mutual insurance, commence business in this State until agreements have been entered into for insurance with at least two hundred applicants, the premiums upon which shall amount to not less than twenty-five thousand dollars, of which at least five thousand dollars shall have been paid in actual cash, and for the remainder of which, notes of solvent parties, founded upon actual and *bona fide* application for insurance, shall have been received. No one of the notes received, as aforesaid, shall amount to more than five hundred dollars; and no two thereof shall be given for the same risk, or made by the same person or firm, except where the whole amount of such notes does not exceed the sum of five hundred dollars; nor shall any note be regarded or represented as capital stock unless a policy to be issued upon the same within thirty days after the organization of the company taking the same, upon a risk which shall be for no shorter period than twelve months. Each of said notes shall be payable, in whole or in part, at any time when the directors shall deem the same requisite for the payment of losses by fire, and such incidental expenses as may be necessary for transacting the business of said company; and no note shall be accepted as part of such capital stock, unless the same shall be accompanied by a certificate of the clerk of the circuit court of the county in which the person executing such note shall reside, that the person making the same is, in his opinion, pecuniarily good, and responsible for the same in property not exempt from execution by the laws of this State; and no such note shall be surrendered while the policy for which it was given continues in force. But no company organized on the



plan of mutual insurance, and insuring against any other risks mentioned in section one of this act, shall hereafter do any business, or take any risks, or make any insurance, in any more than two counties in this State, which counties shall be contiguous, and which counties, in the case of companies hereafter organized, shall be named and set forth in their articles of association, and in the statement required by section three to be filed in the office of the Secretary of State. No fire insurance company organized under this act, or transacting business in this State, shall expose itself to any loss on any one fire or inland navigation risk, or hazard, to an amount exceeding ten per cent of its paid up capital, nor shall any fire insurance company organized under the laws, or by authority of, any foreign government, expose itself to any loss on any one fire or inland navigation risk, or hazard, to an amount exceeding ten per cent of its deposited capital in the United States.

Mutual company limited as to territory.

Companies limited to amount on any one risk.

SEC. -. This act shall take immediate effect.

Approved March 27, 1873.

[ No. 53. ]

AN ACT to amend section seven hundred and three of the compiled laws of eighteen hundred and seventy-one, relating to the annual return of township officers by township clerks.

SECTION 1. *The People of the State of Michigan enact*, That section seven hundred and three of the compiled laws of eighteen hundred and seventy-one, be and the same is hereby amended so as to read as follows:

Section amended.

(703.) SEC. 67. The township clerk of each township, and the city clerk of each city, shall, immediately after the qualifying of the several officers elected or appointed in their respective townships or cities, return to the clerks of their respective counties the names of all such officers, with their respective postoffice addresses.

Return of names, etc., of officers elected, to county clerk

SEC. 2. This act shall take immediate effect.

Approved March 27, 1873.

[ No. 54. ]

AN ACT to amend section one of chapter one hundred and nine, entitled "An act to provide for the incorporation of institutions of learning," being section three thousand one hundred and thirty-four of the compiled laws of eighteen hundred and seventy-one.

Section  
amended.

SECTION 1. *The People of the State of Michigan enact*, That section one of chapter one hundred and nine, entitled "An act to provide for the incorporation of institutions of learning," being section three thousand one hundred and thirty-four of the compiled laws of eighteen hundred and seventy-one, be and the same is hereby amended so as to read as follows :

Corporation.

(3134.) SEC. 1. Any number of persons, not less than five, may become a corporation for the purpose of founding and establishing a college, seminary, academy, or other institution of learning, by complying with the provisions of this act

Subscription  
of stock, etc.

When stock, legacies, bequests, or donations to the amount of thirty thousand dollars for any such college, or two thousand dollars for any such seminary, academy, or other institution of learning so intended to be founded and established, shall have been, or may hereafter be in good faith subscribed or given, and fifty per cent thereon actually paid in as herein required, such persons may elect trustees for such college, seminary, academy, or other institutions of learning; and

Articles of  
association,  
what to set  
forth.

thereupon said trustees shall severally subscribe articles of association, in which shall be set forth the name, character, and object of the corporation; the amount of capital stock so subscribed, bequeathed, donated or given, and the amount paid in; the names and places of residence of the trustees; the length of time they shall continue in office, not to exceed thirty years; the manner in which their successors shall be elected, who shall not be less than five nor more than thirty-five, and the place where such college or other institution shall

When and  
where filed.

be located. Said articles of association, when subscribed as aforesaid, shall be filed in the office of the Secretary of State; but such articles shall not be filed until there is annexed thereto

an affidavit made by at least three of such trustees, that the amount of stock required by this section has been in good faith subscribed, and that fifty per cent thereon has been paid in; and thereupon the persons who have subscribed said articles, with such other persons as may from time to time become donors to such institution, or, if such articles of association so declare, the trustees elected as herein provided shall be a body corporate and politic, capable of suing and being sued, and may have a common seal, which they may make and alter at pleasure, and be capable in law of receiving by gift, subscription, bequest, will, donation or devise, and of purchasing, holding, and conveying any real estate or personal property whatsoever, for the purpose of founding, establishing, and conducting any such college, seminary, academy, or other institution of learning, and may alter or amend said articles of association, such alteration or amendment not being inconsistent with the foregoing provisions of this section. But in case of alteration or amendment they shall, within twenty days thereafter, file a copy of such amendment, duly certified by said trustees, with the Secretary of State.

Affidavit to be annexed.

Body corporate; powers of.

SEC. 2. This act shall take immediate effect.

Approved March 27, 1873.

[ No. 55. ]

AN ACT to amend an act entitled "An act to authorize the formation of companies for the detection and apprehension of horse-thieves and other felons, and defining their powers."

SECTION 1. *The People of the State of Michigan enact, That* the several sections of an act entitled "An act to authorize the formation of companies for the detection and apprehension of horse-thieves and other felons, and defining their powers," approved February fifteen, eighteen hundred and fifty-nine, be so amended as to read as follows:

Act amended.

**Companies.** (3290.) SECTION 1. Any number of persons, citizens of said State, not less than ten, may and are hereby authorized to form themselves into a company for the purpose of detecting and apprehending horse-thieves and other felons, as hereinafter provided.

**Articles of association.** (3291.) SEC. 2. Persons desirous of forming such companies, shall each subscribe articles of association, in which shall be set forth the name said company shall [may] choose, and the residence of each member. Said articles of association shall be  
**Where filed and recorded** filed and recorded in the office of the register of deeds of the county in which a majority of the members of said company may reside; and a certified copy of said record shall be received as evidence in any court of the State of the existence of such company, and the membership of any person belonging thereto.

**Body politic and corporate; powers of.** (3292.) SEC. 3. Whenever said articles of association shall be filed as above provided, the said company, under the name and style which they may designate, shall be a body politic and corporate, and by such name may sue and be sued, plead and be impleaded, in any court of competent jurisdiction in this State, and may have and use a common seal, and alter the same at pleasure: *Provided*, A copy of the notice of such alteration be filed in the office of county clerk in the county where the original articles of association are filed.

**Officers.** (3293.) SEC. 4. Said corporation may elect or appoint all such officers as they may deem necessary for their organization, who shall severally hold their offices and perform the duties that may be required of them by such company. Said officers shall serve either for or without compensation, as said company may direct.

**Constitution and by-laws.** (3294.) SEC. 5. A majority of said company shall have power to adopt a constitution and by-laws for their government, not inconsistent with the constitution of this State and the laws thereof, and enforce obedience to the same.

**Quorum.** (3295.) SEC. 6. Such number of members shall form a quorum to transact business as may be named in their by-laws, and such quorum may call meetings and adjourn them, and

transact any needful business appertaining to the object of the association, and their action shall have the same force and effect as if a majority of all the members of the association were present.

(3296.) SEC. 7. Said company may add to their numbers or expel members under such regulations as they may prescribe; <sup>Admission and expulsion.</sup> and whenever a new member has been admitted or expelled, a record or entry of such admission or expulsion shall be made on the books of said association by the secretary or other proper officers thereof.

(3297.) SEC. 8. Such company may hold and possess real <sup>Donations.</sup> and personal property to the amount of ten thousand dollars, which shall not be used for any other purpose than the legitimate business of the association, and may receive donations in money and other property to be applied to the objects of the organization, and make assessments upon members of the association for the same purpose.

(3298.) SEC. 9. Such company shall have power to call to their aid the peace officers of this State in accordance with <sup>Apprehension of criminals.</sup> law, in the pursuit and apprehension of felons and reclaiming stolen property; and each and every one of the members of such company, when engaged in arresting offenders against the criminal laws of this State, shall be entitled to all the protection, rights, and privileges of constables, when so engaged.

SEC. 2. This act shall take immediate effect.

Approved March 28, 1873.

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[ No. 56. ]

AN ACT to amend section twenty of an act entitled "An act to regulate the manufacture and provide for the inspection of salt," approved March six, eighteen hundred and sixty-nine, being section one thousand four hundred and seventy-seven, chapter thirty-three of the compiled laws of eighteen hundred and seventy-one.

SECTION 1. *The People of the State of Michigan enact, That* <sup>Section amended.</sup> section twenty of an act to regulate the manufacture and pro-

vide for the inspection of salt, approved March six, eighteen hundred and sixty-nine, being section one thousand four hundred and seventy-seven, chapter thirty-three of the compiled laws of eighteen hundred and seventy one, be and the same is amended so as to read as follows:

Barrels, how  
made, etc.

SEC. 20. If the said salt shall be put up in barrels it shall not be marked unless the barrels are thoroughly seasoned, stout, and well made, with such number of hoops as shall be prescribed by the inspector, to be well nailed and secured.

SEC. 2. This act shall take immediate effect.

Approved March 28, 1873.

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[ No. 57. ]

AN ACT to provide for the disinterment of dead bodies in certain cases, for the purpose of holding inquests thereon.

Disinter-  
ment and  
inquest of  
deceased  
persons sup-  
posed to  
have died by  
means of  
some crimi-  
nal act.

SECTION 1. *The People of the State of Michigan enact*, That whenever complaint in writing and upon oath shall be made to any justice of the peace that any person has died, and that such person was buried in the county where such justice resides, and specifying in what township or city said person was buried, and containing a further statement that the complainant knows or has good reason to believe that the said deceased person came to his or her death by means of poison or violence, or in consequence of any criminal act committed by any person known or unknown, it shall be the duty of such justice to examine the complainant and such witnesses as may be produced by him on oath, and reduce the same to writing, and if such justice shall be satisfied from such examination that there is just cause to believe that the deceased person named or described in such complaint came to his or her death by means of poison or violence, or in consequence of any criminal act, and that a *post mortem* examination of the body of such deceased person is necessary or will materially aid in the prose-

cution of any person charged or who may be charged with any criminal act resulting in the death of such deceased person, it shall be the duty of such justice of the peace to issue an order or process under his hand, directed to the sheriff of the county, commanding such sheriff, in the name of the people of ~~the~~ State of Michigan, forthwith to proceed with his ~~under-sheriff~~, or one of his deputies, to the place where such deceased person lies buried, and to disinter and remove the body to some suitable and convenient place within the township or city where such body was buried, for the purpose of holding an inquest over the same; and said justice shall also provide at once to summon a jury of inquest in the same manner as provided in chapter one hundred and sixty-seven, of the revised statutes of the year of our Lord one thousand eight hundred and forty-six, the same being chapter two hundred and sixty-three of the compiled laws of the year of our Lord one thousand eight hundred and seventy-one, and as soon as the sheriff shall have removed such body to a suitable place as above provided, the justice, as well as the jury so summoned, shall proceed in the same manner, and shall have and exercise the same powers and duties as prescribed in said chapter.

SEC. 2. As soon as the inquest shall have been completed, as <sup>Re-interment.</sup> provided for in the preceding section, the sheriff shall at once cause the body of the deceased person to be re-interred in the same place from whence he removed the same.

SEC. 3. This act shall take immediate effect.

Approved March 28, 1873.

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[ No. 58. ]

AN ACT to declare copies of certain volumes of the records of the county of St. Joseph public records.

*Whereas*, A large portion of the records of the county of <sup>Preamble,</sup> St. Joseph were stolen from the office of the register of deeds

of said county, in the year eighteen hundred and seventy-two; and before said records were recovered by said county many volumes thereof were so badly damaged by water that, in order to preserve said records, it became necessary to make copies thereof; and,

Idem.

*Whereas*, In consequence of such damage to said records, the board of supervisors of said county, on the thirty-first day of December, eighteen hundred and seventy-two, entered into a contract with Sovilla Desvoignes, of said county of St. Joseph, for the making of copies of volumes C, twelve, seventeen, eighteen, nineteen, twenty, twenty-two, and one hundred pages of volume fifteen of deeds, and volumes B, eight, nine, thirteen, fourteen, sixteen, twenty-one, twenty-two, twenty-four, and two hundred and twenty-five pages of volume eighteen of mortgages of the records of the said county of St. Joseph; and the copying of said volumes is now being done under the supervision of the said board of supervisors;

Copies established as public records.

SECTION 1. *The People of the State of Michigan enact*, That the said copies of said volumes of the records of the county of St. Joseph so being made, and each and every one thereof, when the same shall be completed and shall have attached thereto a certificate of the said board of supervisors that the same is a correct copy in such form as the said board shall direct, shall be and the same is hereby declared to be established as a public record; and in all courts in this State, and in all suits and proceedings therein, and before all officers of this State having jurisdiction in such suits and proceedings, said copies of the said volumes or parts thereof of the records of the said county of St. Joseph, when so completed and certified, each and every one thereof shall be *prima facie* evidence of the matters therein stated, and shall have the same virtue and effect as, by present provisions of law, the original records of the office of register of deeds do now possess.

SEC. 2. This act shall take immediate effect.

Approved March 28, 1873.



[ No. 59. ]

AN ACT to provide for a municipal court in the city of Detroit, to be called "The Superior Court of Detroit."

SECTION 1. *The People of the State of Michigan enact, That* <sup>Superior court of Detroit.</sup> there shall be a municipal court in and for the city of Detroit, which shall be called "The Superior Court of Detroit," which shall be a court of record, and whose first term shall commence on the first Tuesday of June, in the year eighteen hundred and seventy-three.

SEC. 2. On the first Monday of April, in the year eighteen <sup>First election of judge, and his term of office.</sup> hundred and seventy-three, the qualified voters of the city of Detroit shall elect a judge of said court, whose title and office shall be "Judge of the Superior Court of Detroit," and who shall hold his office for six years from the first day of May, in the year eighteen hundred and seventy-three, and until his successor shall be elected and qualified. Notice of such elec- <sup>Notice of election.</sup> tion shall be given by the clerk of the city of Detroit, in the manner prescribed by law in case of the election of city officers for said city: *Provided*, That five days' notice of the first <sup>Proviso.</sup> election shall be deemed sufficient; and at such election the person receiving the highest number of votes for said office shall be declared duly elected thereto. The provisions of laws <sup>Laws applicable to election.</sup> relative to holding elections of city officers in said city, canvassing the votes and making returns thereof so far as applicable, shall regulate and apply to elections of the judge of said court.

SEC. 3. Any judge of said court, before entering upon the <sup>Oath of office.</sup> duties of his office, shall take and subscribe the oath of office prescribed by article eighteen of the constitution of this State. Such oath may be taken before any officer authorized to administer oaths, and shall be filed in the office of the clerk of the city of Detroit.

SEC. 4. On the first Monday of April next preceding the <sup>Elections.</sup> expiration of the term of any judge of said court, his successor in said office shall be elected in the same manner and upon

the same notice as that herein prescribed for the election of the judge of said court.

Vacancies;  
how filled.

SEC. 5. In case of the absence from the city of the judge of said court, inability to attend, or a vacancy in his office, the recorder of said city shall act as the judge of said court; and, as such judge, shall have and exercise all the powers and duties of the judge of said court until he shall resume his office or such vacancy be filled. It shall be the duty of the common council of said city to cause an election to be held in said city to fill any vacancy in the office of judge of said court, the same as is provided by the charter of said city in case of vacancies in the office of mayor thereof.

Salary of  
judge.

SEC. 6. The judge of said court shall receive from the treasury of the State of Michigan the same annual salary as may be payable to circuit judges, and payable quarterly. He shall also receive from the treasury of the city of Detroit such additional salary as shall be sufficient, with the sum so received from the State, to make the salary of said judge four thousand dollars in all.

Clerk.

SEC. 7. The clerk of the county of Wayne shall be *ex-officio* clerk of said court.

Bond of  
clerk.

SEC. 8. The clerk of said court, before entering upon the duties of his office, shall give a bond to the people of the State of Michigan in the penal sum of ten thousand dollars, to be approved by the judge of said court, for the faithful discharge

Condition of  
bond.

of the duties of said office. The condition of such bond shall be in substance as follows: *Whereas*, The above bounden,—is the clerk of the superior court of Detroit, now therefore, the condition of the above obligation is such, that if the said ——— shall faithfully, truly, and impartially enter and record all orders, decrees, judgments, and proceedings of the said court, and faithfully and impartially perform all other duties of his said office, and shall pay over all moneys that may come into his hands as such clerk, and shall deliver to his successor in office all the books, records, papers, seals, and other things

belonging to his said office, then the above obligation to be void ; otherwise, in full force.

SEC. 9. It shall be the duty of said clerk to keep a true record of the proceedings, in proper books, to be provided for that purpose by the common council of the city of Detroit, at the expense of said city ; to file and safely keep all books and papers belonging or pertaining to said court, and to enter and record all orders, decrees, judgments, and proceedings of said court. He shall sign and seal all writs and process issuing from said court, and shall have power generally to administer oaths and affidavits, and to do all acts authorized by law to be done by clerks of circuit courts of this State. Said clerk, with the approval of the judge of said court, may appoint one or more deputy clerks, as may be authorized by the common council of said city, and may remove the same. The compensation of such deputies shall be fixed by the common council of said city, and shall be payable from the city treasury ; such deputies shall give such security as shall be required by ordinance of the common council for the performance of the duties of their office, and they shall have the same powers as are given to said clerk.

Duty of clerk in keeping records, etc.

Shall sign and seal writs, administer oaths, etc.

Deputies.

SEC. 10. The clerk of said court shall receive such fees for his services in any cause pending in said court, or for other services, as are prescribed by law to be paid to clerks of circuit courts for similar services, excepting as provided in this act. He shall also receive such salary, not exceeding three thousand dollars and not less than two thousand dollars, as shall be voted to him by the common council of the city of Detroit, which shall be payable out of the treasury of said city.

Fees of clerk.

Salary.

SEC. 11. Before any suit at law shall be commenced in said court, there shall be paid to the clerk of said court, by the party commencing such suit, the sum of four dollars ; and before any judgment shall be entered in any such suit, there shall be paid by the prevailing party to said clerk the sum of five dollars. The moneys so paid shall be for the use of said city, and

Court fees.

To be for the use of the city and paid over by clerk shall be paid daily by the clerk to the city treasurer and placed to the credit of the general fund, and the same shall be held to be in full of all entry fees, jury fees, and all fees of the clerk of said court in any such suit from the commencement thereof to and including the issuing of execution or other final process.

To be taxed as costs. The sum or sums so paid shall be taxed as costs of suit in favor of the party paying the same if he be the prevailing party in such suit, in addition to any other costs to which he may be entitled by law: *Provided*, That if a jury shall not be demanded, the sum so to be paid before entry of judgment shall be two dollars.

Proviso.

Sheriff and his deputies to attend court. SEC. 12. The sheriff of the county and his deputies shall attend the sittings of said court, and he and they shall have the power, and it shall be their duty, under the direction of said sheriff, to execute all lawful precepts and commands of said court, and serve all lawful writs and process issuing therefrom. The fees of said sheriff and his deputies for services rendered in said court, and in all actions pending therein, shall be the same as those prescribed by law for similar services; but any portion of such fees, which, if the services had been rendered in a circuit court would be chargeable to the county, shall be allowed by the common council of the city of Detroit, and paid from the treasury of said city.

Fees of.

Jurisdiction of superior court. SEC. 13. The said superior court shall have original jurisdiction, and concurrent jurisdiction with the circuit court for the county of Wayne, in all civil actions of a transitory nature where the debt or damages exceeds the sum of one hundred dollars, and in which the defendants or one of them if there be more than one defendant, shall have been served with a copy of the declaration or with process within the city of Detroit, or in which the plaintiff shall reside in the city of Detroit, and the defendants or one of them if there be more than one defendant, shall be served with a copy of the declaration or with process in Wayne county. Said court shall also have jurisdiction of all actions of trespass *quare clausum* for injuries

committed upon any land situated in the city of Detroit; all actions of ejectment for the possession of land situated in said city; all actions commenced by attachment against non-residents, where the property attached is at the time of the service of the writ of attachment within said city; and the same jurisdiction as the circuit court for the county of Wayne, in all cases in equity in which any complainant or defendant shall be a resident of the city of Detroit, or in which the subject matter of such suit shall be situated or located in said city, and in all cases of foreclosure of mortgages upon land situated in the city of Detroit.

SEC. 14. Said court shall have power to issue all lawful writs and process, and to do all lawful acts which may be necessary and proper to carry into complete effect the powers and jurisdiction given by this act, and especially to issue all writs and process, and to do all acts which the circuit courts of this State within their respective jurisdictions may in like cases issue and to do, by the laws of the State of Michigan. All copies of declarations filed for commencement of suit, writs of subpoena, all writs of execution and other writs or process may be served beyond the limits of said city, which may in like cases be filed in the circuit court of said county, or issued by said circuit court and authorized by law to be served outside the limits of the county.

Power of court.

When writs, etc., may be served.

SEC. 15. The practice and proceedings in said superior court shall be the same as those prescribed by law for circuit courts in this State, unless otherwise limited by this act; and the rules prescribed by the supreme court for the guidance and practice of circuit courts shall be the rules of said superior court, so far as the same may be applicable; but the said court may have the same power of making rules for said court as is given to circuit courts or the judges thereof.

Practice and rules of superior court.

SEC. 16. There shall be six regular terms of said superior court held in each year, and the time of commencement of terms for each year shall be fixed by the judge of said court in

Terms.

the month of May in each year, and notices of the times of holding such terms shall be published for two weeks in one of the daily papers published in the city of Detroit.

**Appeal.**

**SEC. 17.** Any complainant or defendant in any cause in equity, who may think himself aggrieved by any decision, decree, or order made therein by said superior court, may appeal therefrom to the supreme court; such appeal may be taken in like cases, and the proceedings on such appeal shall be similar in all respects to those prescribed by statute in cases of appeals from circuit courts; and the supreme court may issue all writs of error, certiorari, prohibition, mandamus, and other writs directed to the said superior court or the judge thereof, as it may issue, directed to the circuit courts or the judge thereof; and shall have like superintending control over the said superior court as is given by the constitution or by law to the supreme court over said circuit courts.

**Court may  
adopt cer-  
tain rules of  
practice.**

**SEC. 18.** Said court may make and adopt rules of practice for such court, in respect to times for pleading and serving notices of trial and other notices and filing notes of issue.

**Taxing of  
costs.**

The same costs may be taxed in favor of the prevailing party as are authorized to be taxed in circuit courts.

**Selection of  
jurors.**

**SEC. 19.** On the tenth days of May and November in each year, between the hours of ten and twelve in the forenoon, the judge and clerk of said court and the sheriff of the county of Wayne shall meet together in the office of the clerk of said court, and shall proceed in public to select from the last annual assessment roll of said city (which roll the proper custodian shall produce before them), a list of two hundred persons to serve as jurors in said superior court; the persons so selected, to be qualified electors of said city, of fair character, of sound mind, and capable of understanding and speaking intelligibly the English language. Said list shall be signed by said judge, clerk, and sheriff, and shall be filed in the office of the clerk of said court. If either of said officials shall not attend at the place and time aforesaid, the meeting shall stand

**Qualifica-  
tions.**

**List, by  
whom  
signed and  
where filed.**

**In case of  
absence of  
either official**

adjourned from day to day for five days, and if on either of said days they shall meet together between said hours at such place, they shall then make such list; and if, on the last adjourned day any two of them shall so meet, one being absent, they shall proceed to make, sign, and file such list of jurors.

The persons whose names are set forth in said list shall be liable to serve as jurors for six months, or until a new list shall be made as aforesaid. The practice and proceedings in said court, excepting as provided in this section relative to drawing, summoning, exempting, and excusing jurors and talesmen, and imposing penalties upon them for non-attendance, shall be the same as the practice and proceedings in the recorder's court of said city as prescribed by sections thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty, forty-one, forty-two, forty-three, forty-four, forty-five, forty-six, and forty-seven, of chapter six of an act entitled "An act to revise the charter of the city of Detroit," approved February fifth, eighteen hundred and fifty-seven. It shall be a good cause of challenge, in addition to all other challenges allowed by law, that any person summoned as juror or as talesman, shall have acted as a juror in a court of record in said city during a year preceding such challenge.

Time for which persons selected are liable to serve.

Practice of court in drawing, summoning, etc., of jurors, imposing of penalties, etc.

Service of juror within a year, cause of challenge.

SEC. 20. The common council of the said city shall provide a proper court-room for the accommodation of said superior court, and all necessary furniture, fuel, books, and stationery, for the use of the court, and in the office of the clerk thereof. The county of Wayne shall furnish a suitable room, or rooms, for the office of clerk of said court, adjacent to or in connection with the office of clerk of the circuit court for said county, such reasonable sum to be paid for the use of said rooms by said city as may be agreed upon between the common council and the board of auditors of Wayne county.

Court room, stationery, etc.

Office of clerk.

SEC. 21. If either party to any cause now pending in the circuit court for the county of Wayne, and within the jurisdiction of said superior court, shall, after the taking effect of

Removal of causes from the circuit court to the Superior Court.

this act, or if the defendant in the case of a suit within such jurisdiction, hereafter commenced, at the time of entering his appearance in said circuit court, shall file a petition for the removal of the cause into the said superior court for the city of Detroit, and shall offer good and sufficient security for entering in said last mentioned court, on the first day of its next term, copies of all papers filed, and proceedings had, in said cause in the said circuit court, and also for his there appearing and entering special bail in the cause, if special bail was originally requisite therein, it shall then be the duty of the said circuit court for the county of Wayne to accept the surety and proceed no further in the cause; and any bail that shall originally have been taken shall be discharged; and the copies of said papers and proceedings being so entered and filed as aforesaid in such superior court for the city of Detroit, the cause shall then proceed in the same manner as if it had been originally brought in said court; and any attachment of the goods or estate of the defendants, by the original process, shall hold the goods or estate so attached to answer the final judgment, in the same manner as they would have been held to answer final judgment had it been rendered by the court in which the suit was commenced: *Provided however*, That no cause pending in said circuit court, when this act takes effect, shall be thereafter removed, under the provisions of this section, during a trial or hearing thereof.

Proviso.

Stenographer.

SEC. 22. That a stenographer for said superior court shall be appointed by the Governor on the recommendation of the judge of said court, and all the laws now in force prescribing the duties and pay of a stenographer for the circuit court for the county of Wayne, shall be in force and applicable to said superior court.

SEC. 23. This act shall take immediate effect.

Approved March 28, 1873.



[ No. 60. ]

**AN ACT** to provide for making repairs and additions to the State Prison, and to make appropriations therefor.

**SECTION 1.** *The People of the State of Michigan enact,* That <sup>Board.</sup> the Governor and the Inspectors of the State Prison be and they are hereby constituted a Board for the purpose of making alterations, repairs, and additions to the State Prison.

**SEC. 2.** Said board shall proceed with convenient dispatch to <sup>Duty of board.</sup> rebuild what is known as the central building to said Prison, and to provide suitable kitchen, guard-rooms, hospital, and chapel. They shall also make such repairs to the walls and roofs of the two wings, and rebuild the cells contained in said wings as may be necessary for the safety and health of the prisoners and the preservation of the buildings; also, provide suitable engine, bath, and store rooms, and place in such engine-room an engine of sufficient power for the wants of the prison, furnished with all necessary piping and fixtures, and place in the new kitchen, when constructed, a suitable and convenient cooking range; also, make such other and further alterations and repairs as may be deemed necessary for the success and safety of the Prison. The whole amount expended not to exceed the sum of one hundred and sixty thousand dollars.

**SEC. 3.** The Auditor General shall add to and incorporate in <sup>Appropriation; how raised and expended.</sup> the State tax for the year eighteen hundred and seventy-three, the sum of fifty thousand dollars, and for the year eighteen hundred and seventy-four the sum of fifty thousand dollars. These sums, when collected and paid into the treasury, together with the unexpended balance of the appropriation provided for in act number one hundred and twenty-seven of the session laws of eighteen hundred and seventy-one, making in all one hundred and sixty thousand dollars, shall be expended, or so much thereof as may be necessary, for the purposes mentioned in section two of this act; and it shall be the duty of the Auditor General to draw his warrant on the State Treasurer from

time to time for such sums as the board shall certify to be necessary to defray the accruing expenses of the work aforesaid.

SEC. 4. This act shall take immediate effect.

Approved April 1, 1873.

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[ No. 61. ]

AN ACT to amend sections one and three of an act number one hundred and sixty-three of the session laws of eighteen hundred and fifty-one, entitled "An act to provide for letting to contract the furnishing of fuel and stationery for the use of the State; also the State printing and binding," approved June twenty-fourth, eighteen hundred and fifty-one, being sections two hundred and ninety-two and two hundred and ninety-four, chapter seven of compiled laws of eighteen hundred and seventy-one.

Section  
amended.

SECTION 1. *The People of the State of Michigan enact, That* sections two hundred and ninety-two and two hundred and ninety-four of the compiled laws of eighteen hundred and seventy-one, be and the same are hereby amended so as to read as follows :

Secretary of  
State to ad-  
vertise for  
proposals.

(292.) SEC. 1. It shall be the duty of the Secretary of State, during the month of June in the year one thousand eight hundred and seventy-three, and every second year thereafter, to cause to be published in some newspaper published at the seat of government, in one or more daily newspapers published in the city of Detroit, and such other newspapers published in the State as he shall deem proper, a notice specifying the time and place for receiving separate sealed proposals for furnishing fuel and stationery for the use of the State, the printing and binding of the laws, journals, and documents, all blanks, papers, and printing for the executive and judicial departments, and all other printing ordered by the legislature, which said notice shall be published at least once in each week for six successive weeks before the time specified for examining such proposals: *Provided, That* no such proposal shall be received

Proviso.

after nine o'clock in the forenoon of the fourth Wednesday in July; and that said proposals shall be opened and the several contracts awarded to the lowest responsible bidder or bidders on or before the first Wednesday of August following.

(294.) SEC. 3. The printing and binding of the laws, journals, and documents, to be in such style and manner as may be directed by the State Board of Auditors, or other officer or officers duly authorized by law to fix and determine the same; the style and manner to be specified in the notice provided for in the first section of this act, and to be completed in a reasonable length of time, to be specified in the contract for the same. Printing and binding.

SEC. 2. This act shall take immediate effect.

Approved April 1, 1873.

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[ No. 62. ]

**AN ACT** making appropriations for the maintenance of patients at the Michigan Asylum for the Insane, for certain additions and renewals, and for the completion and furnishing of the extension of the Asylum.

SECTION 1. *The People of the State of Michigan enact*, That the sum of fourteen thousand dollars be and is hereby appropriated out of the State treasury to the Michigan Asylum for the Insane, for the maintenance of patients and the purchase of supplies for the year eighteen hundred and seventy-three; also, for the same year, the further sum of fifteen thousand dollars for the following purposes, viz: For building a house for the gardener, for extraordinary repairs and renewals, for a steam pump and attachments, for enlarging the steam and water mains, for grading the grounds and planting trees, for a new steam engine, and for the repayment of the over-draft of the construction account; and also, for the same year, the further sum of forty thousand dollars for the purchase of furniture, warming and ventilating and steam cooking apparatus, Appropriation for 1873.

and fixtures for gas and water supply for the addition to the present asylum building.

Appropriations for 1874.

SEC. 2. That there be and hereby is appropriated out of the State treasury to the Michigan Asylum for the Insane the sum of fourteen thousand dollars for the maintenance of patients and the purchase of supplies for the year eighteen hundred and seventy-four; also, for the same year, the further sum of ten thousand dollars for the removal of wooden shops, and adding a second story and wing to the boiler and laundry building; and the sum of twelve hundred dollars for the purchase of books, stereoscopic pictures, and a sleigh for the patients' use; the sum of seven thousand five hundred dollars for three stone porches to the present building, and thirteen hundred dollars for fire apparatus for the extension; also, for the same year, the further sum of twenty-six thousand dollars for furnishing and completing the extension.

Moneys to be expended for purposes specified, and duplicate vouchers, etc., forwarded to Auditor General.

SEC. 3. The moneys appropriated hereby shall be expended for the purposes specified, and duplicate vouchers, with monthly schedules of the amounts disbursed, and quarterly statements of unexpended balances of the asylum extension account verified by the oath of the treasurer of the asylum, shall be forwarded to the Auditor General as heretofore.

Apportionment of appropriation.

SEC. 4. The amount appropriated by section one of this act, shall be apportioned by the Auditor General at the same time and in the same manner as the State tax for the year eighteen hundred and seventy-three; and the amount appropriated by section two of this act shall in like manner be apportioned in the year eighteen hundred and seventy-four; and the sums so apportioned shall, when collected, be credited to the general fund of the State.

SEC. 5. This act shall take immediate effect.

Approved April 1, 1873.

[ No. 63. ]

AN ACT to provide for the appointment of two professors of homeopathy in the department of medicine of the University of Michigan.

SECTION 1. *The People of the State of Michigan enact, That* the Board of Regents of the University of Michigan shall, on or before the fifteenth day of July in the year one thousand eight hundred and seventy-three, appoint, install, and thereafter maintain two professors of homeopathy in the department of medicine of the University, to wit: One professor of theory and practice, and one professor of *materia medica*, who shall receive the like salary and be entitled to all the rights and privileges of other professors in said department of medicine. Regents to appoint two professors of homeopathy.

SEC. 2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed. Acts repealed.

Approved April 1, 1873.

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[ No. 64. ]

AN ACT to amend sections one, four, five, and seven, of an act to provide for the appointment of a board of commissioners for the general supervision of charitable, penal, pauper, and reformatory institutions, and defining their duties and powers, approved April seventeen, eighteen hundred and seventy-one, being sections eight thousand one hundred and ninety-one, eight thousand one hundred and ninety-four, eight thousand one hundred and ninety-five, and eight thousand one hundred and ninety-seven of the compiled laws of eighteen hundred and seventy-one, and to add two new sections thereto.

SECTION 1. *The People of the State of Michigan enact, That* sections one (1), four (4), five (5), and seven (7), of an act to provide for the appointment of a board of commissioners for the general supervision of charitable, penal, pauper, and reformatory institutions, and defining their duties and powers, approved April seventeen, eighteen hundred and seventy- Sections amended.

one, being sections eight thousand one hundred and ninety-one, eight thousand one hundred and ninety-four, eight thousand one hundred and ninety-five, and eight thousand one hundred and ninety-seven of the compiled laws of eighteen hundred and seventy-one, be amended so as to read as follows:

**Appoint-  
ment.**

**Name of  
Board.**

**Term of  
office.**

**Governor  
ex officio  
member of  
board.**

**Vacancies.**

**Removals.**

**Compensa-  
tion.**

**Expenses.**

(8191.) SECTION 1. *The People of the State of Michigan enact*, That the Governor, with the advice and consent of the Senate, shall appoint four suitable persons, residents of the State, to be called and known as "The Board of State Commissioners for the General Supervision of Charitable, Penal, Pauper, and Reformatory Institutions," who shall hold their office respectively for the period of two, four, six, and eight years, as indicated by the Governor in making the appointments; and all appointments thereafter made, except to fill vacancies, shall be for the period of eight years. The Governor shall be, *ex officio*, a member of said board. Any vacancy occurring in said board, by reason of removal, resignation, or otherwise, shall be filled by the Governor; the appointment in any case thus made to be subject to ratification or rejection by the Senate at the first regular session following such appointment. The Governor may remove any member of said board for misfeasance or malfeasance in office.

(8194.) SEC. 4. The said commissioners shall receive no compensation for their time or services, except as hereinafter particularly provided; but the actual expenses of each of them, while engaged in the performance of their duties under this act, and any actual outlay for stationery, office-rent, or any necessary aid or assistance required in examinations or investigations, on being fully stated in account and verified by the affidavit of the commissioner or commissioners making the charge, or the affidavit of their secretary, and approved by the Governor, shall be paid quarterly by the State Treasurer, on the warrant of the Auditor General, out of any money in the treasury not otherwise appropriated; and the secretary of said board shall

be paid in like manner: *Provided*, That the entire expense Provided. of said board or commission, and the salary and traveling expenses of their secretary shall not exceed the sum of five thousand dollars per annum, exclusive of the sum mentioned in section seven of this act.

(8195.) SEC. 5. No member of said board, or their secretary, Members of board and Secretary not to be interested in contract for building, etc. shall be either directly or indirectly interested in any contract for building, repairing, or furnishing any institution, poor-house, or jail, which by this act they are authorized to visit and inspect; nor shall any officer of such institution, jail, or poor-house, be eligible to the office of commissioner, hereby No officer eligible to office of commissioner. created.

(8197.) SEC. 7. And the said board, in addition to the duties Examination of laws relating to institution. above prescribed, shall make a thorough examination of all the penal, criminal, or other laws of the State, relating to the penal or reformatory institutions by them to be visited, or in any wise relating to the custody and punishment of criminals, and the care and confinement of the county poor and pauper insane, for the purpose of a revision of such laws by the Legislature, at the first regular session following the passage of this act; and to accomplish this end, said board shall collect Collection and revision of laws. together all acts and parts of acts in any manner appertaining to the control, punishment, and reformation of criminals, and to the care and custody of the county poor and pauper insane, and shall report the same fully to the Governor, on or before November first, eighteen hundred and seventy-four, together with such revision, amendments, and suggestions for the improvement thereof as to such board shall be deemed necessary and expedient; the report thus made to be submitted to the Legislature by the Governor. The Secretary of State Secretary of State to furnish copies. is hereby required to furnish said board with so many copies of the statutes and laws, as in the judgment of the Governor may be required in the accomplishment of said work. And Compensation of board said board, for the time actually required in the discharge of the duty imposed by this section shall be entitled to





be paid in like manner: *Provided*, That the entire expense of said board or commission, and the salary and traveling expenses of their secretary shall not exceed the sum of five thousand dollars per annum, exclusive of the sum mentioned in section seven of this act.

(8195.) SEC. 5. No member of said board, or their secretary, shall be either directly or indirectly interested in any contract for building, repairing, or furnishing any institution, poor-house, or jail, which by this act they are authorized to visit and inspect; nor shall any officer of such institution, jail, or poor-house, be eligible to the office of commissioner, hereby created.

Members of board and Secretary not to be interested in contract for building, etc.

No officer eligible to office of commissioner.

(8197.) SEC. 7. And the said board, in addition to the duties above prescribed, shall make a thorough examination of all the penal, criminal, or other laws of the State, relating to the penal or reformatory institutions by them to be visited, or in any wise relating to the custody and punishment of criminals, and the care and confinement of the county poor and pauper insane, for the purpose of a revision of such laws by the Legislature, at the first regular session following the passage of this act; and to accomplish this end, said board shall collect together all acts and parts of acts in any manner appertaining to the control, punishment, and reformation of criminals, and to the care and custody of the county poor and pauper insane, and shall report the same fully to the Governor, on or before November first, eighteen hundred and seventy-four, together with such revision, amendments, and suggestions for the improvement thereof as to such board shall be deemed necessary and expedient; the report thus made to be submitted to the Legislature by the Governor.

Examination of laws relating to institution.

Collection and revision of laws.

Secretary of State to furnish copies.

Compensation of board

The Secretary of State shall furnish so many copies of the report of the Governor of said work. And the members of the board in the discharge of their duties shall be entitled to

this act, or if the defendant in the case of a suit within such jurisdiction, hereafter commenced, at the time of entering his appearance in said circuit court, shall file a petition for the removal of the cause into the said superior court for the city of Detroit, and shall offer good and sufficient security for entering in said last mentioned court, on the first day of its next term, copies of all papers filed, and proceedings had, in said cause in the said circuit court, and also for his there appearing and entering special bail in the cause, if special bail was originally requisite therein, it shall then be the duty of the said circuit court for the county of Wayne to accept the surety and proceed no further in the cause; and any bail that shall originally have been taken shall be discharged; and the copies of said papers and proceedings being so entered and filed as aforesaid in such superior court for the city of Detroit, the cause shall then proceed in the same manner as if it had been originally brought in said court; and any attachment of the goods or estate of the defendants, by the original process, shall hold the goods or estate so attached to answer the final judgment, in the same manner as they would have been held to answer final judgment had it been rendered by the court in which the suit was commenced: *Provided however*, That no cause pending in said circuit court, when this act takes effect, shall be thereafter removed, under the provisions of this section, during a trial or hearing thereof.

Proviso.

Stenographer.

SEC. 22. That a stenographer for said superior court shall be appointed by the Governor on the recommendation of the judge of said court, and all the laws now in force prescribing the duties and pay of a stenographer for the circuit court for the county of Wayne, shall be in force and applicable to said superior court.

SEC. 23. This act shall take immediate effect.

Approved March 28, 1873.

[ No. 60. ]

**AN ACT** to provide for making repairs and additions to the State Prison, and to make appropriations therefor.

**SECTION 1.** *The People of the State of Michigan enact,* That <sup>Board.</sup> the Governor and the Inspectors of the State Prison be and they are hereby constituted a Board for the purpose of making alterations, repairs, and additions to the State Prison.

**SEC. 2.** Said board shall proceed with convenient dispatch to <sup>Duty of board.</sup> rebuild what is known as the central building to said Prison, and to provide suitable kitchen, guard-rooms, hospital, and chapel. They shall also make such repairs to the walls and roofs of the two wings, and rebuild the cells contained in said wings as may be necessary for the safety and health of the prisoners and the preservation of the buildings; also, provide suitable engine, bath, and store rooms, and place in such engine-room an engine of sufficient power for the wants of the prison, furnished with all necessary piping and fixtures, and place in the new kitchen, when constructed, a suitable and convenient cooking range; also, make such other and further alterations and repairs as may be deemed necessary for the success and safety of the Prison. The whole amount expended not to exceed the sum of one hundred and sixty thousand dollars.

**SEC. 3.** The Auditor General shall add to and incorporate in <sup>Appropriation; how raised and expended.</sup> the State tax for the year eighteen hundred and seventy-three, the sum of fifty thousand dollars, and for the year eighteen hundred and seventy-four the sum of fifty thousand dollars. These sums, when collected and paid into the treasury, together with the unexpended balance of the appropriation provided for in act number one hundred and twenty-seven of the session laws of eighteen hundred and seventy-one, making in all one hundred and sixty thousand dollars, shall be expended, or so much thereof as may be necessary, for the purposes mentioned in section two of this act; and it shall be the duty of the Auditor General to draw his warrant on the State Treasurer from

time to time for such sums as the board shall certify to be necessary to defray the accruing expenses of the work aforesaid.

SEC. 4. This act shall take immediate effect.

Approved April 1, 1873.

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[ No. 61. ]

AN ACT to amend sections one and three of an act number one hundred and sixty-three of the session laws of eighteen hundred and fifty-one, entitled "An act to provide for letting to contract the furnishing of fuel and stationery for the use of the State ; also the State printing and binding," approved June twenty-fourth, eighteen hundred and fifty-one, being sections two hundred and ninety-two and two hundred and ninety-four, chapter seven of compiled laws of eighteen hundred and seventy-one.

Section  
amended.

SECTION 1. *The People of the State of Michigan enact, That* sections two hundred and ninety-two and two hundred and ninety-four of the compiled laws of eighteen hundred and seventy-one, be and the same are hereby amended so as to read as follows :

Secretary of  
State to ad-  
vertise for  
proposals.

(292.) SEC. 1. It shall be the duty of the Secretary of State, during the month of June in the year one thousand eight hundred and seventy-three, and every second year thereafter, to cause to be published in some newspaper published at the seat of government, in one or more daily newspapers published in the city of Detroit, and such other newspapers published in the State as he shall deem proper, a notice specifying the time and place for receiving separate sealed proposals for furnishing fuel and stationery for the use of the State, the printing and binding of the laws, journals, and documents, all blanks, papers, and printing for the executive and judicial departments, and all other printing ordered by the legislature, which said notice shall be published at least once in each week for six successive weeks before the time specified for examining such proposals: *Provided, That* no such proposal shall be received

Proviso.

after nine o'clock in the forenoon of the fourth Wednesday in July; and that said proposals shall be opened and the several contracts awarded to the lowest responsible bidder or bidders on or before the first Wednesday of August following.

(294.) SEC. 3. The printing and binding of the laws, journals, and documents, to be in such style and manner as may be directed by the State Board of Auditors, or other officer or officers duly authorized by law to fix and determine the same; the style and manner to be specified in the notice provided for in the first section of this act, and to be completed in a reasonable length of time, to be specified in the contract for the same. Printing and binding.

SEC. 2. This act shall take immediate effect.

Approved April 1, 1873.

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[ No. 62. ]

**AN ACT** making appropriations for the maintenance of patients at the Michigan Asylum for the Insane, for certain additions and renewals, and for the completion and furnishing of the extension of the Asylum.

SECTION 1. *The People of the State of Michigan enact*, That the sum of fourteen thousand dollars be and is hereby appropriated out of the State treasury to the Michigan Asylum for the Insane, for the maintenance of patients and the purchase of supplies for the year eighteen hundred and seventy-three; also, for the same year, the further sum of fifteen thousand dollars for the following purposes, viz: For building a house for the gardener, for extraordinary repairs and renewals, for a steam pump and attachments, for enlarging the steam and water mains, for grading the grounds and planting trees, for a new steam engine, and for the repayment of the over-draft of the construction account; and also, for the same year, the further sum of forty thousand dollars for the purchase of furniture, warming and ventilating and steam cooking apparatus, Appropriation for 1878.

and fixtures for gas and water supply for the addition to the present asylum building.

Appropriations for 1874.

SEC. 2. That there be and hereby is appropriated out of the State treasury to the Michigan Asylum for the Insane the sum of fourteen thousand dollars for the maintenance of patients and the purchase of supplies for the year eighteen hundred and seventy-four; also, for the same year, the further sum of ten thousand dollars for the removal of wooden shops, and adding a second story and wing to the boiler and laundry building; and the sum of twelve hundred dollars for the purchase of books, stereoscopic pictures, and a sleigh for the patients' use; the sum of seven thousand five hundred dollars for three stone porches to the present building, and thirteen hundred dollars for fire apparatus for the extension; also, for the same year, the further sum of twenty-six thousand dollars for furnishing and completing the extension.

Moneys to be expended for purposes specified, and duplicate vouchers, etc., forwarded to Auditor General.

SEC. 3. The moneys appropriated hereby shall be expended for the purposes specified, and duplicate vouchers, with monthly schedules of the amounts disbursed, and quarterly statements of unexpended balances of the asylum extension account verified by the oath of the treasurer of the asylum, shall be forwarded to the Auditor General as heretofore.

Apportionment of appropriation.

SEC. 4. The amount appropriated by section one of this act, shall be apportioned by the Auditor General at the same time and in the same manner as the State tax for the year eighteen hundred and seventy-three; and the amount appropriated by section two of this act shall in like manner be apportioned in the year eighteen hundred and seventy-four; and the sums so apportioned shall, when collected, be credited to the general fund of the State.

SEC. 5. This act shall take immediate effect.

Approved April 1, 1873.

[ No. 63. ]

**AN ACT** to provide for the appointment of two professors of homeopathy in the department of medicine of the University of Michigan.

**SECTION 1.** *The People of the State of Michigan enact, That* the Board of Regents of the University of Michigan shall, on or before the fifteenth day of July in the year one thousand eight hundred and seventy-three, appoint, install, and thereafter maintain two professors of homeopathy in the department of medicine of the University, to wit: One professor of theory and practice, and one professor of *materia medica*, who shall receive the like salary and be entitled to all the rights and privileges of other professors in said department of medicine. Regents to appoint two professors of homeopathy.

**SEC. 2.** All acts and parts of acts inconsistent with the provisions of this act are hereby repealed. Acts repealed.

Approved April 1, 1873.

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[ No. 64. ]

**AN ACT** to amend sections one, four, five, and seven, of an act to provide for the appointment of a board of commissioners for the general supervision of charitable, penal, pauper, and reformatory institutions, and defining their duties and powers, approved April seventeen, eighteen hundred and seventy-one, being sections eight thousand one hundred and ninety-one, eight thousand one hundred and ninety-four, eight thousand one hundred and ninety-five, and eight thousand one hundred and ninety-seven of the compiled laws of eighteen hundred and seventy-one, and to add two new sections thereto.

**SECTION 1.** *The People of the State of Michigan enact, That* sections one (1), four (4), five (5), and seven (7), of an act to provide for the appointment of a board of commissioners for the general supervision of charitable, penal, pauper, and reformatory institutions, and defining their duties and powers, approved April seventeen, eighteen hundred and seventy- Sections amended.

one, being sections eight thousand one hundred and ninety-one, eight thousand one hundred and ninety-four, eight thousand one hundred and ninety-five, and eight thousand one hundred and ninety-seven of the compiled laws of eighteen hundred and seventy-one, be amended so as to read as follows:

**Appoint-  
ment.**

**Name of  
Board.**

**Term of  
office.**

**Governor  
ex officio  
member of  
board.**

**Vacancies.**

**Removals.**

**Compensa-  
tion.**

**Expenses.**

(8191.) SECTION 1. *The People of the State of Michigan enact*, That the Governor, with the advice and consent of the Senate, shall appoint four suitable persons, residents of the State, to be called and known as "The Board of State Commissioners for the General Supervision of Charitable, Penal, Pauper, and Reformatory Institutions," who shall hold their office respectively for the period of two, four, six, and eight years, as indicated by the Governor in making the appointments; and all appointments thereafter made, except to fill vacancies, shall be for the period of eight years. The Governor shall be, *ex officio*, a member of said board. Any vacancy occurring in said board, by reason of removal, resignation, or otherwise, shall be filled by the Governor; the appointment in any case thus made to be subject to ratification or rejection by the Senate at the first regular session following such appointment. The Governor may remove any member of said board for misfeasance or malfeasance in office.

(8194.) SEC. 4. The said commissioners shall receive no compensation for their time or services, except as hereinafter particularly provided; but the actual expenses of each of them, while engaged in the performance of their duties under this act, and any actual outlay for stationery, office-rent, or any necessary aid or assistance required in examinations or investigations, on being fully stated in account and verified by the affidavit of the commissioner or commissioners making the charge, or the affidavit of their secretary, and approved by the Governor, shall be paid quarterly by the State Treasurer, on the warrant of the Auditor General, out of any money in the treasury not otherwise appropriated; and the secretary of said board shall



be paid in like manner: *Provided*, That the entire expense Provided. of said board or commission, and the salary and traveling expenses of their secretary shall not exceed the sum of five thousand dollars per annum, exclusive of the sum mentioned in section seven of this act.

(8195.) SEC. 5. No member of said board, or their secretary, Members of board and Secretary not to be interested in contract for building, etc. shall be either directly or indirectly interested in any contract for building, repairing, or furnishing any institution, poor-house, or jail, which by this act they are authorized to visit and inspect; nor shall any officer of such institution, jail, or poor-house, be eligible to the office of commissioner, hereby No officer eligible to office of commissioner. created.

(8197.) SEC. 7. And the said board, in addition to the duties above prescribed, shall make a thorough examination of all Examination of laws relating to institution. the penal, criminal, or other laws of the State, relating to the penal or reformatory institutions by them to be visited, or in any wise relating to the custody and punishment of criminals, and the care and confinement of the county poor and pauper insane, for the purpose of a revision of such laws by the Legislature, at the first regular session following the passage of this act; and to accomplish this end, said board shall collect Collection and revision of laws. together all acts and parts of acts in any manner appertaining to the control, punishment, and reformation of criminals, and to the care and custody of the county poor and pauper insane, and shall report the same fully to the Governor, on or before November first, eighteen hundred and seventy-four, together with such revision, amendments, and suggestions for the improvement thereof as to such board shall be deemed necessary and expedient; the report thus made to be submitted to the Legislature by the Governor. The Secretary of State Secretary of State to furnish copies. is hereby required to furnish said board with so many copies of the statutes and laws, as in the judgment of the Governor may be required in the accomplishment of said work. And Compensation of board said board, for the time actually required in the discharge of the duty imposed by this section shall be entitled to

demand and receive such reasonable compensation as shall be approved by the Governor, not exceeding the sum of two thousand dollars, which shall be paid in the manner heretofore provided for the payment of their actual traveling and other necessary expenses.

Section  
added.

SEC. 2. That there shall be added to said act two new sections to stand as sections nine and ten of said act, and to read as follows:

Visiting of  
similar in-  
stitutions  
for the pur-  
pose of  
gaining in-  
formation.

SEC. 9. Whenever the Governor shall deem it advisable and expedient to obtain information in respect to the condition and practicable workings of charitable, penal, pauper, and reformatory institutions in other States, he may authorize and designate any member of said board, or the Secretary thereof, to visit such institutions in operation in other States, and by personal inspection to carefully observe and report to said board on all such matters relating to the conduct and management thereof as may be deemed to be interesting, useful, and of value to be understood in the government and discipline of similar institutions in this State.

Idem.

SEC. 10. The Governor may appoint one or more suitable females, who shall, in behalf of said board, personally visit and inspect such of the aforesaid State or county institutions as said board shall designate, and inquire into the condition and treatment of the inmates therein, and especially investigate the provision made for women, and children of tender years, with the method of instruction, and the means used for their cure or reformation. Said female visitors shall receive no compensation for their time or services; but the actual traveling expenses of each of them, verified as heretofore provided for the accounts of members of this board, and approved by the Governor, shall be paid in the same manner, and out of the moneys provided for the expenses of said board. Said female visitors shall from time to time report to the board the results of their investigation.

SEC. 3. This act shall take immediate effect.

Approved April 1, 1873.

[ No. 65. ]

**AN ACT** to amend sections seventy-nine, eighty, and one hundred and twenty of an act entitled "An act to provide for a uniform assessment of property, and for the collection and return of taxes thereon," approved April six, eighteen hundred and sixty-nine, being sections one thousand and forty-five, one thousand and forty-six, and one thousand and eighty-six, chapter twenty-one of the compiled laws of eighteen hundred and seventy-one.

**SECTION 1.** *The People of the State of Michigan enact,* That <sup>Sections amended.</sup> sections seventy-nine, eighty, and one hundred and twenty of an act entitled "An act to provide for a uniform assessment of property, and for the collection and return of taxes thereon," approved April sixth, eighteen hundred and sixty-nine, being sections one thousand and forty-five, one thousand and forty-six, and one thousand and eighty-six, chapter twenty-one of the compiled laws of eighteen hundred and seventy-one, be and they are hereby amended to read as follows :

(1045.) **SEC. 79.** The Auditor General shall cause each of such statements to be published in the county in which the <sup>Publication of statements in county where lands are situated.</sup> lands therein described are situated, for four weeks successively, next previous to the first Monday of October in each year (which shall be construed to mean four publications, once a week), in one newspaper printed and published in such county, if there be one which shall have been established therein two months prior to the first day of July ; and, in case there is no such newspaper printed and published in the county, such statement shall be printed and published in an adjoining county, if there be such newspaper established therein, for the period aforesaid ; but if there is no such newspaper printed or published in the same or any adjoining county, such statement shall be printed and published in some other newspaper to be designated by the Auditor General.

(1046.) **SEC. 80.** The newspapers in which such statements <sup>Papers to be designated by Auditor General.</sup> are to be published shall be designated by the Auditor General on or before the first day of August in each and every year,

and not afterwards, unless the proprietor of any paper so designated shall fail to accept such designation before the fifteenth day of the said month of August, or shall neglect or refuse to print and publish such statement, or unless from some other cause it shall become impracticable; in which case the Auditor General shall designate some other paper for that purpose, before the time limited for commencing the publication.

Notice of  
sale.

(1086.) SEC. 120. The Auditor General shall cause to be published for four weeks successively (which shall be construed to mean four publications, once a week) next previous to the first Monday of October in each year, a notice that the lands described in such statement will be sold at public auction by the treasurer of the county in which such lands are situated, at the time and place designated for the ordinary tax sales, under the direction of the Auditor General.

Application  
of act.

SEC. 2. The provisions of this act shall apply to taxes heretofore levied and remaining unpaid, and to all taxes hereafter levied and returned delinquent for non-payment.

Approved April 1, 1873.

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[ No. 66. ]

AN ACT directing the county clerks in each of the counties of this State to provide uniform ballots on constitutional amendments.

Printing of  
ballots.

SECTION 1. *The People of the State of Michigan enact*, That it shall be the duty of the county clerk in each of the counties of this State to cause to be printed a sufficient number of ballots to supply the electors of every township, ward, and voting precinct in their several counties with ballots on all amendments to the constitution which may hereafter be submitted to the people at any general election; and said county clerks, and each of them, shall, at least ten days before any such general election at which constitutional amendments are to be

Distribution  
of.

voted upon, transmit said ballots in proportionate lots to the supervisor of each township and one of the inspectors of election in each ward of any city and at every voting precinct in said county, whose duty it shall be to cause their distribution at the polls.

SEC. 2. This act shall take immediate effect.

Approved April 1, 1873.

[ No. 67. ]

AN ACT to amend sections two and seven of chapter one hundred and forty-four, being sections three thousand eight hundred and eighteen, and three thousand eight hundred and twenty-three of the compiled laws of eighteen hundred and seventy-one, relative to the terms of payment of University and school lands.

SECTION 1. *The People of the State of Michigan enact, That* Sections amended.  
sections two and seven of chapter one hundred and forty-four, being sections three thousand eight hundred and eighteen, and three thousand eight hundred and twenty-three of the compiled laws of eighteen hundred and seventy-one, be amended so as to read as follows:

(3818.) SEC. 2. The terms of payment on the sale of University and school lands shall be fifty *per centum* of the purchase money to be paid at the time of the purchase, the balance of the principal at any time thereafter at the option of the purchaser, with interest at the rate of seven per cent per annum, on the unpaid balance, payable on the first day of March, or within sixty days thereafter in each and every year at such place or places as shall be specified in the certificate of purchase: *Provided*, That before any of said lands shall be sold on part payment at the time of purchase, the Commissioner of the State Land office shall require the affidavits of at least two persons (accompanied by the certificate of the supervisor of the township in which such lands are situated, as to the credulity [credibility] of such persons), that such lands are not valuable chiefly by or on account of timber thereon. Terms of payment. Proviso.

Commissioner may require full payment.

(3823.) SEC. 7. The said commissioner shall, whenever it satisfactorily appears that the chief value of any parcel of land consists of pine or other timber, and that in his opinion the interest of the State will not be secured by a compliance with the terms of payment prescribed in the second section of this act, require full payment for the same.

SEC. 2. This act shall take immediate effect.

Approved April 1, 1873.

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[ No. 68. ]

AN ACT to amend an act entitled "An act to authorize proceedings by garnishment in the circuit courts and the district courts of the Upper Peninsula," approved March sixteenth, eighteen hundred and sixty-one, being chapter two hundred and two of the compiled laws of eighteen hundred and seventy-one, by adding a new section thereto, to stand as section fifty.

Section added.

SECTION 1. *The People of the State of Michigan enact*, That an act entitled "An act to authorize proceedings by garnishment in the circuit courts and the district courts of the Upper Peninsula," approved March sixteenth, eighteen hundred and sixty-one, being chapter two hundred and two of the compiled laws of one thousand eight hundred and seventy-one, be and the same hereby is amended by adding a new section thereto, to stand as section fifty, to read as follows:

Judgment when principal defendant does not appear.

SEC. 50. In all cases where the principal defendant does not appear in the cause within the time fixed by the statute and rules of court for such appearance, the plaintiff shall proceed and perfect his judgment against such principal defendant as soon as he shall be entitled thereto under the rules and practice of the court, and in default thereof such court may, in its discretion, on motion of the garnishee defendant or any one interested in the proceedings, render judgment discontinuing such garnishee proceedings with costs against the plaintiff.

Approved April 3, 1873.

[ No. 69. ]

AN ACT to amend sections seventy-seven and ninety-one of the primary school law, being sections three thousand six hundred and forty-six, and three thousand six hundred and fifty-four of the compiled laws of eighteen hundred and seventy-one.

SECTION 1. *The People of the State of Michigan enact, That* Sections amended. sections seventy-seven and ninety-one of the primary school law, being sections three thousand six hundred and forty-six, and three thousand six hundred and fifty-four are amended so as to read as follows :

(3646) SEC. 77. The amount of such proportion, when so Proportion to be certified to supervisor and assessed to district retaining property. ascertained and determined, shall be certified by the township clerk to the supervisor of the township, whose duty it shall be to assess the same upon the taxable property of the district retaining the school-house or other property of the former district, in the same manner as if the same had been authorized by a vote of such district; and the money so assessed shall be placed to the credit of the taxable property taken from the former district, and shall be in reduction of any tax imposed in the new district on said taxable property for school district purposes: *Provided*, That, if the district retaining the school- Proviso. house shall vote to pay, and shall pay, before said taxes are assessed, any portion of said amount to the new district, said amount, as shall be certified by the director and assessor of the new district to the supervisor, shall be deducted from the amount to be assessed as provided in this section.

(3654.) SEC. 91. The whole number of meetings of the town- Meeting of inspectors. ship board of inspectors, daring any one year, at the expense of the township, shall not exceed four; and the clerk of the Notice of. township (and for meetings of boards to act in relation to fractional districts, the clerks of the several townships), shall give at least ten days' notice of any meeting of the board, by posting such notice in three public places in the township.

Approved April 3, 1873.

[ No. 70. ]

AN ACT to amend sections six and seven of act number one hundred and eighty-eight of the session laws of eighteen hundred and fifty-seven, entitled "An act to provide for the incorporation of mechanics' associations," approved February seventeen, eighteen hundred and fifty-seven, being sections twenty-eight hundred and twenty-eight hundred and one of the compiled laws of eighteen hundred and seventy-one.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section six of act number one hundred and eighty-eight of the session laws of eighteen hundred and fifty-seven, entitled "An act to provide for the incorporation of mechanics' associations," approved February seventeen, eighteen hundred and fifty-seven, be and the same is hereby amended so as to read as follows:

Limitation as to the holding of real estate.

SEC. 6. No association shall hold any real estate hereafter acquired, for a longer period than ten years, except such real estate as shall be actually occupied by it in the exercise of its franchises.

Section amended.

SEC. 2. That section seven of said act be amended so as to read as follows:

How funds to be used.

SEC. 7. The funds received by such association shall be used in the first instance, or shall be invested, and the income thereof used, after paying necessary expenses, exclusively for the purposes, or some of them, mentioned in the articles of association. (This provision, however, shall not be construed to prevent any association organized under this act from using any of its funds to erect, on the real estate occupied or to be occupied by it, as mentioned in the preceding section, such building as the association may deem proper, and rent such portions thereof as may not be required for its own purposes.

Provision not to prevent the erection of a building for association.

Association may raise money by loan for erection of building, etc.

When the association shall not desire to use its funds on hand, or shall have no funds, or not sufficient for the erection and furnishing of said building, it may procure the necessary money by loan, from any person or persons, whether members



of the association or otherwise, and secure the same by mortgage or mortgages upon any of its real estate; which mortgage or mortgages shall first be authorized by a resolution of the association, duly entered in its proceedings, and shall be executed in the name of the association, and officially signed by at least a majority of its trustees.) Any association organized under this act may take by gift, subscription, or devise, money to an amount not exceeding fifty thousand dollars *at any one time*; and it shall be lawful to use said money for the purposes aforesaid, or to invest the same upon mortgage, or by loan in railroad stocks or bonds, or any city, county, State, or government securities; but no loan shall be made to any trustee or officer of such association: *Provided*, That any such association may, in its articles of agreement, designate the kinds of securities in which its funds may be invested, in which case no part of its funds shall be invested in any securities other than named in its articles.

May take money by gift.

How money may be invested.

Proviso.

SEC. 3. This act shall take immediate effect.

Approved April 3, 1873.

[ No. 71. ]

AN ACT to amend section thirty-one of chapter one hundred and thirty-six, being section three thousand six hundred and eleven of the compiled laws of eighteen hundred and seventy-one, relating to primary schools.

SECTION 1. *The People of the State of Michigan enact*, That section thirty-one of chapter one hundred and thirty-six, being section three thousand six hundred and eleven of the compiled laws of eighteen hundred and seventy-one, be and the same is hereby amended so that the same shall read as follows:

Section amended.

(3611.) SEC. 31. Any person who shall refuse to withdraw from such meeting on being so ordered as provided in the preceding section, and also any person who shall willfully disturb such meeting, or who shall disturb any district or graded school by rude and indecent behavior, or by profane or inde-

Penalty for disturbing.

cent discourse, or in any other way make such disturbance, shall, on conviction thereof, be punished by a fine not less than two nor more than fifty dollars, or by imprisonment in the county jail not exceeding thirty days; and any justice of the peace, recorder, or police justice of the township, ward, or city where such offense shall be committed, shall have jurisdiction to try and determine the same.

SEC. 2. This act shall take immediate effect.

Approved April 3, 1873.

[ No. 72. ]

AN ACT relative to the issuing of executions on judgments obtained upon writs of attachments when not personally served.

Proceedings  
when attach-  
ments are  
not person-  
ally served.

SECTION 1. *The People of the State of Michigan enact*, That it shall be the duty of any justice of the peace issuing an execution upon a judgment obtained before him, in any suit commenced by attachment in which the defendant was not personally served and did not appear, to direct the constable taking charge of the same, to levy the debt or damages with interest and costs on the goods and chattels so attached, and to bring the money obtained therefor, excepting his fees, before such justice, at the time and place therein mentioned, and pay over the same to said justice, to render to the party who recovered the same so much thereof as shall be necessary to pay his said damages and costs, retaining the surplus money, if any there shall be in his hands, for the defendant, to be paid said defendant at any time when called for within two months

Proviso rela-  
tive to sur-  
plus money  
not called  
for.

from the rendition of such judgment: *Provided*, Said defendant does not call for said surplus money within the two months aforesaid, it shall be the duty of the justice having charge of the same to deposit such surplus money in the treasury of the township, giving notice to the township clerk in which such judgment was rendered, whose duty it shall be to charge the same to the treasurer of the township.

SEC. 2. If the defendant, his agent, or his legal representative, entitled to the possession of such money shall appear within six years after the rendition of such judgment, and establish, by his own affidavit or otherwise, to the satisfaction of the township treasurer, his right thereto, then he shall be entitled to receive the money, and shall give his receipt therefor, and the township board, when settling with such treasurer, shall give him credit for said receipt: *Provided*, That in cities the money shall be paid into the city treasury, with like effect and like notice as above provided in the payment into the township treasury.

Time in which defendant can claim money

Proviso relative to cities.

Approved April 3, 1873.

[ No. 73. ]

AN ACT to amend an act number one hundred and fifty-two of session laws of eighteen hundred and sixty-nine, entitled "An act to authorize the incorporation of building and savings associations, under the provisions of chapter fifty-six of the compiled laws and the acts amendatory thereof," approved April five, eighteen hundred and sixty-nine, being chapter ninety-three of the compiled laws of eighteen hundred and seventy-one, by adding one new section thereto to stand as section eight.

SECTION 1. *The People of the State of Michigan enact*, That an act number one hundred and fifty-two of the session laws of eighteen hundred and sixty-nine, entitled "An act to authorize the incorporation of building and savings associations under the provisions of chapter fifty-six of the compiled laws, and the acts amendatory thereof," approved April five, eighteen hundred and sixty-nine, being chapter ninety-three of the compiled laws of eighteen hundred and seventy-one, be and the same is hereby amended by adding thereto one new section, to stand as section eight, and to read as follows:

Section added.

SEC. 8. Every such incorporation may invest any part of its capital, or other moneys entrusted or belonging to it, in bonds and mortgages on unencumbered real estate; and also in any

What the capital of corporation may be invested in.

stocks or bonds of this State or of the United States; and also in the bonds of any county, city, or school district of this State legally authorized to issue such bonds.

SEC. 2. This act shall take immediate effect.

Approved April 3, 1873.

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[ No. 74. ]

AN ACT to amend section five of chapter two hundred and fifty, entitled "Offenses against the public health," being section seven thousand seven hundred and thirty of the compiled laws of eighteen hundred and seventy-one.

Section  
amended.

SECTION 1. *The People of the State of Michigan enact, That* section five of chapter two hundred and fifty, entitled "Offenses against the public health," being section seven thousand seven hundred and thirty of the compiled laws of eighteen hundred and seventy-one, be and the same is hereby amended so as to read as follows:

Penalty for  
neglecting to  
label certain  
substances.

(7730.) SEC. 5. Every apothecary, druggist, or other person who shall sell and deliver at retail, any arsenic, corrosive sublimate, prussic acid, or any other substance or liquid usually denominated poisonous, without having the word "poison," and the true name thereof, and the name of some simple antidote, if any is known, written or printed upon a label attached to the vial, box, or parcel containing the same, shall be punished by a fine not exceeding one hundred dollars.

Approved April 4, 1873.

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[ No. 75. ]

AN ACT to amend section five hundred and ninety-nine of the compiled laws of eighteen hundred and seventy-one, relating to the quarterly return of qualified notaries public by county clerks.

Section  
amended.

SECTION 1. *The People of the State of Michigan enact, That* section one hundred and nine of chapter one hundred and

forty-seven of the revised statutes of eighteen hundred and forty-six, be and the same is hereby amended so as to read as follows :

(599.) SEC. 109. The person so appointed shall, before entering upon the duties of his office, and within twenty days after receiving notice from the county clerk of his appointment, take and file with the county clerk the oath prescribed by the constitution, and pay into the hands of the clerk one dollar as a fee to the State; and the said clerk shall file the oath thus taken, in his office, and on the first day of January, April, July, and October in each year, he shall transmit to the State Treasurer, to be placed to the credit of the general fund, the amount by him received during each preceding quarter for notary commissions by him delivered, and shall at the same time transmit to the State Treasurer and to the Secretary of State a written list containing the names of all persons to whom, during each preceding quarter he has delivered commissions, the date of filing their oaths and bonds and their respective postoffice addresses, with his certificate, that such persons have fully complied with the provisions of law in regard to their qualification for the discharge of the duties of the office of notary public; and said clerk shall further, at the same time, transmit to the Secretary of State all commissions that have remained in his office uncalled for, for the period of thirty days after giving the notice required in the preceding section; and said clerk, for all his services required by this act, shall be entitled to receive the sum of seventy-five cents from each person so qualifying.

Oath of officer, and fee to the State.

Quarterly returns to State Treasurer and Secretary of State.

Commissions not called for returned.

County clerk's fees.

SEC. 2. This act shall take immediate effect.

Approved April 4, 1873.

[ No. 76. ]

AN ACT to amend section nine of an act prescribing the duties of the Superintendent of Public Instruction, being section three thousand four hundred and seventy-six of the compiled laws of eighteen hundred and seventy-one.

Section  
amended.

SECTION 1. *The People of the State of Michigan enact*, 'That section nine of an act entitled "An act prescribing the duties of the Superintendent of Public Instruction," the same being section three thousand four hundred and seventy-six of the compiled laws of eighteen hundred and seventy-one, is hereby amended so as to read as follows:

When  
deficiency  
may be ap-  
portioned.

(3476.) SEC. 9. Whenever any township, county, or district, through failure or error in making the proper report, shall fail to receive its share of the primary school moneys, the Superintendent, upon satisfactory proof that said county, township, or district was justly entitled to the same, shall apportion such deficiency in his next apportionment; and whenever it shall appear to the satisfaction of the Superintendent, that any district has had three months' school, but failed to have the full time of school required by section twenty-four of the primary school law, through no fault or negligence of the district or its officers, he may include said district in his apportionment of the primary school moneys in his discretion.

Approved April 4, 1873.

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[ No. 77. ]

AN ACT to amend section number twelve of chapter two hundred and forty-nine of the compiled laws of eighteen hundred and seventy-one, relative to offenses against chastity, morality, and decency, being section seven thousand seven hundred and two.

Section  
amended.

SECTION 1. *The People of the State of Michigan enact*, That section twelve of chapter two hundred and forty-nine, being section seven thousand seven hundred and two of the com-

piled laws of eighteen hundred and seventy-one, relative to offenses against chastity, morality, and decency, be and hereby is amended so as to read as follows:

(7702.) SEC. 12. If any person shall let any dwelling, house, knowing that the lessee intends to use it as a house of ill-fame or place of resort for the purpose of prostitution and lewdness, or for the purpose of gambling for money or other property, or shall knowingly permit such lessee to use the same for such purpose, or shall receive any rent for any dwelling, house, room, or apartment which is used as a house of ill-fame or place of resort for prostitutes, or for the purpose of prostitution and lewdness, or for the purpose of gambling for money or other property, having reasonable cause to believe such house, room, or apartment is used for any such purpose, he shall be punished by fine not exceeding three hundred dollars, or imprisonment in the county jail not more than six months: *Provided*, That no person shall be liable for receiving rent as *Provided*. aforesaid for any period prior to the time when he shall have reasonable cause to believe that such house, room, or apartment is used for any such purpose.

Approved April 4, 1873.

[ No. 78. ]

AN ACT to provide for the taxation of copper for county and township purposes.

SECTION 1. *The People of the State of Michigan enact*, That every corporation, partnership, or person engaged in the business of mining or smelting copper, or any person, partnership, or corporation owning or holding such copper in the Upper Peninsula, shall, on or before the first Monday of May in each year, deliver to the supervisor or other assessing officer of each township, village, or city in which such corporation, partnership, or person had, on the twenty-fifth day of April preceding,

any copper, whether smelted or unsmelted, in their possession or under their control, a true and correct statement, specifying

*First*, The amount in weight of such copper, and whether smelted or unsmelted;

*Second*, Its cash value;

*Third*, The township in and the premises upon which it is stored;

*Fourth*, The name and residence of the owner of the same; or if belonging to a corporation, the name and place of business of such corporation.

Verification  
of statement

SEC. 2. Such statement shall be verified by the oath of the superintendent or agent of such corporation, or partnership, or of some member thereof, or of said person, or of some person having full knowledge of the facts therein stated; and

Penalty for  
making false  
statement.

any person who shall make an affidavit as above required, shall be liable to the penalties of perjury for any false statement made in such affidavit with intent to defraud, upon conviction thereof before a court having jurisdiction of the offense: *Pro-*

Proviso.

*vided*, That such copper shall not be assessed in other township than as herein provided.

Forfeiture  
for not  
making  
statement.

SEC. 3. Every such corporation willfully neglecting or refusing to furnish such statement, shall, if within this State, forfeit its franchises, and if without the State, shall no longer be permitted to do business herein; and the members of such partnership, or such person so neglecting or refusing to make such statement, shall, if within this State, forfeit the sum of three hundred dollars in the nature of a penalty, which shall be sued for and recovered by the prosecuting attorney of the proper county, for the use and benefit of the people of the State of Michigan, as provided by chapter two hundred and sixteen of the compiled laws of eighteen hundred and seventy-one; and if such partnership or person shall be without the State, then the superintendent or agent of such partnership or person, and managing said business, shall in like manner forfeit said sum of three hundred dollars, to be collected in like manner as above provided.



SEC. 4. Every supervisor, or other assessing officer, upon receiving any such statement from which it shall appear that there was in his township, village, or city on said twenty-fifth day of April, any copper, whether smelted or unsmelted, belonging to any resident of or corporation having its office in this State, shall at once transmit to the supervisor of the township in which such owner resides, or such corporation has its office, a certified copy of that portion of the said statement relating to such copper.

Copy to be transmitted to supervisor where owner resides.

SEC. 5. Every supervisor, or other assessing officer, shall estimate and assess upon his assessment roll all copper belonging to residents of his township, or non-residents of the State, in the same manner and for the same purposes that other personal property is assessed.

Assessment of copper.

SEC. 6. This act shall take immediate effect.

Approved April 10, 1873.

[ No. 79. ]

AN ACT to provide for the appointment of a Commissioner of Railroads, and to define his powers, duties, and fix his compensation.

SECTION 1. *The People of the State of Michigan enact, That* a commissioner, who shall be styled "Commissioner of Railroads" shall be appointed as follows, viz: Within ten days after this act shall take effect, the Governor, by and with the [advice and] consent of the Senate, shall appoint a person Commissioner of Railroads, who shall hold his office until the first day of January, in the year of our Lord one thousand eight hundred and seventy-five, and until his successor is appointed and qualified. At the next regular session of the Legislature, and every two years thereafter, the Governor, by and with the advice and consent of the Senate, shall appoint a Commissioner of Railroads, who shall hold his office for the term of two years from the first day of January in the year of his appointment and until his successor is appointed and qualified.

Appointment of commissioner.

**Qualifications.**

**SEC. 2.** No person shall be appointed as such commissioner who is not an elector of this State, and who, at the time of his appointment, is in any way connected with any railroad corporation, or who is directly or indirectly interested in any stock, bond, or other property of, or is in the employ of, any railroad corporation; and no person appointed as such commissioner shall, during the term of his office, become interested in any stock, bond, or other property of any railroad company, or in any manner be employed by or connected with any railroad corporation.

**Removal.**

**SEC. 3.** The Governor shall have power to remove such commissioner and appoint another to fill the vacancy at any time in his discretion; but the reasons for such removal shall be laid before the Senate at the next regular or special session of the Legislature thereafter, and in case of a vacancy in the office of commissioner from any other cause, the Governor may appoint another person to fill the same.

**Oath and bond.**

**SEC. 4.** Before entering upon the duties of his office, the person so appointed shall make, subscribe, and file in the office of the Secretary of State, an oath of office in the form prescribed by section one of article eighteen of the Constitution of this State, and shall enter into bonds with the people of the State of Michigan in the sum of ten thousand dollars, with sureties to be approved by the Governor, conditioned for the faithful performance of his duties.

**Salary.****Place of holding office.****Incidental expenses.****Clerk.**

**SEC. 5.** Said commissioner shall receive a salary of four thousand dollars per annum. He shall hold his office in the State building, at the city of Lansing. The incidental expense of his office, together with all actual cash outlay for railroad fares, shall be audited by the Board of State Auditors. He may employ a clerk to discharge such duties as he shall assign him, whose compensation shall be one thousand dollars per annum, which shall be paid to him monthly, on the certificate of the Commissioners on [Commissioner of] Railroads, and upon the warrant of the Auditor General.

**SEC. 6.** The salary of the Commissioner shall be paid from the State Treasury in the same manner as [are] salaries of other State officers are payable therefrom. Salary, how paid.

**SEC. 7.** Every railroad corporation incorporated or doing business in this State, or which shall hereafter become incorporated or do business under any general or special law of this State, shall, on or before the first day of May, in the year of our Lord one thousand eight hundred and seventy-three, and on or before the same day in each and every year thereafter, make and transmit to the commissioner appointed by virtue of this act, at his office in Lansing, a full and true statement, under oath, of the proper officers of said corporation, of the affairs of said corporation on the thirty-first day of December preceding, specifying: Corporations to transmit statement to commissioner.

*First,* The amount of capital stock subscribed, and by whom; What statement shall specify.

*Second,* The names of the owners of its stock, the amounts owned by them respectively, and the residence of each stockholder so far as known;

*Third,* The amount of stock paid in, and by whom;

*Fourth,* The amount of its assets and liabilities;

*Fifth,* The names and place of residence of its officers;

*Sixth,* The amount of cash paid to the corporation on account of the original capital stock;

*Seventh,* The amount of funded debt;

*Eighth,* The amount of floating debt;

*Ninth,* The estimated value of the road bed, including iron and bridges;

*Tenth,* The estimated value of rolling stock;

*Eleventh,* The estimated value of stations, buildings, and fixtures;

*Twelfth,* The estimated value of other property;

*Thirteenth,* The length of single main track;

*Fourteenth,* The length of double main track;

*Fifteenth,* The length of branches, stating whether they have single or double tracks;

What statement shall specify.

*Sixteenth*, The aggregate length of siding, and other tracks not above enumerated ;

*Seventeenth*, The number of miles run by passenger trains during the year preceding the making of the report ;

*Eighteenth*, The number of miles run by freight trains during the same period, including the mileage of rented cars ;

*Nineteenth*, The number of tons of through freights carried during the same time ;

*Twentieth*, The number of tons of local freights carried during the same time ;

*Twenty-first*, Its monthly earnings for the transportation of passengers during the same time ;

*Twenty-second*, Its monthly earnings for the transportation of freight during the same time ;

*Twenty-third*, Its monthly earnings from all other sources respectively during the same time ;

*Twenty-fourth*, The amount of expense incurred in the running and management of passenger trains during the same time, including amounts paid for the use of palace and sleeping cars ;

*Twenty-fifth*, The amount of expense incurred in the running and management of freight trains during the same time ; also, the amount of expense incurred in the running and management of mixed trains during the same time ;

*Twenty-sixth*, All other expenses incurred in the running and management of the road during the same time, including the salaries of officers ; which shall be reported separately ;

*Twenty-seventh*, The amount expended for repairs of road and maintenance of way, including repairs and renewal of bridges and renewal of iron during the same time ;

*Twenty-eighth*, The amounts expended for improvements, and whether the same are estimated as part of the expenses of operating or repairing the road during the same time, and if either, which ;

*Twenty-ninth*, The amount expended for motive power and cars during the same time ;

*Thirtieth*, The amount expended for station houses, build- Idem.  
ings, and fixtures during the same time;

*Thirty-first*, All other expenses for the maintenance of way during the same time;

*Thirty-second*, All other expenditures during the same time, either for management of road, maintenance of way, motive power and cars, or for other purposes;

*Thirty-third*, The rate of fare for passengers for each month during the same time; through and way passengers separately;

*Thirty-fourth*, The tariff of freights and special rates, showing each change of tariff and special rates during the same time; through and way freights separately;

*Thirty-fifth*, A copy of each published rate of fare for passengers, and tariff of freight, in force, or issued for the government of its agents during the same time;

*Thirty-sixth*, Whether the rate of fare and tariff of freights in such published lists are the same as those actually received by the corporation or its agents during the same time. If not, what were received;

*Thirty-seventh*, What express companies run on its road, on what terms and conditions, and the kind of business done by them;

*Thirty-eighth*, What freight and transportation companies run on its road, and on what terms;

*Thirty-ninth*, Whether such freight and transportation companies use the cars of the railroad corporation or the cars furnished by themselves;

*Fortieth*, Whether the freight or cars of such companies are given any preference in speed or order of transportation; and if so, in what particular;

*Forty-first*, What running arrangements it has with other railroad corporations, setting forth the contract for the same. And the said commissioner shall cause to be made suitable blanks at the expense of the State, and forward the same to such railroad corporations, upon which to make the reports required by this act;

*Forty-second*, The number of acres of land sold during the year, and the price received therefor, and the number of acres still owned by the company, not used for corporate purposes.

Additional  
interrogatories.

SEC. 8. The said commissioner may make and propound to such railroads [railroad] corporations any additional interrogatories relating to the duties of his office, relating to the management of their respective corporations, which shall be answered by such corporations in the same manner as those specified in the foregoing sections.

Application  
of sections  
seven and  
eight.

SEC. 9. Sections seven and eight of this act shall apply to the president, directors, and officers of every railroad corporation now existing, or which shall hereafter be incorporated or organized, in this State, and to every lessee, manager, and operator of any railroad within this State.

Report of  
commissioner.

SEC. 10. Said commissioner shall, on or before the first day of January in each year, and oftener if required, make a report to the Governor of his doings for the preceding year, or for the time intervening since his last report, containing such facts, statements, and explanations as will disclose the actual workings of the system of railroad transportation of freight and passengers, and its bearings upon the business prosperity, personal convenience, and safety of the people of the State, with such suggestions in relation thereto as to him may seem appropriate, and particularly whether a classification of freights can be made, and if so, in what manner; also whether any railroad corporations make any discrimination in the matter of freights between points intersected by competing lines and points not so intersected, and what change should be made in [the] law to promote the interests of railroads and the public. He shall also, at such times as the Governor shall direct or at any other time he (the said commissioner) shall deem advisable, examine any particular subject connected with the condition and management of railroads, and report to the Governor in writing his opinion and doings thereon, and his reasons therefor; all of which reports shall be laid before the legislature at its next regular or special session thereafter.

SEC. 11. Said commissioner shall examine into the condition and management of all other matters concerning the business of railroads in this [the] State, so far as the same affect or relate to the interests of the public, and to the accommodation and security of passengers or persons doing business therewith ; and whether such railroad companies, their officers, directors, managers, lessees, agents, and employes, comply with the laws of this State now in force, or which shall hereafter be in force, concerning them, and such other matters as he may deem important ; and for such purpose said commissioner shall have the right to examine the books, papers, records, and vouchers of any railroad corporation in this State, in his discretion ; and he shall have power to examine, under oath or affirmation, any and all directors, officers, managers, lessees, employes, or agents of any such railroad corporation, and any other persons concerning any matter relating to the condition and management of the business of such corporation.

Commissioner to examine into condition and management of railroads.

May examine books and papers, officers and employes.

SEC. 12. In making any examination as contemplated in this act, or for the purpose of obtaining information pursuant to this act, said commissioner shall have the power to issue subpoenas for the attendance of witnesses, and may administer oaths. In case any person shall willfully fail or refuse to obey such subpoena, it shall be the duty of the circuit court of any county, upon the application of the said commissioner, accompanied with proper proof, to make an order requiring such person, on a certain day, and at a certain place mentioned in said order, to be and appear before said commissioner in the county where such order is made, and give his testimony upon such matters as shall be lawfully required by said commissioner ; and a copy of such order, certified by the clerk of said court, under the seal of said court, shall be personally served on such person by delivering the same to him, if he can be found, at least five days before the time mentioned in said order for him to appear before said commissioner ; and in case [such] personal service cannot be had, then the same may be

Commissioner may issue subpoenas for attendance of witnesses, etc.

Proceedings in case person refuses to obey subpoena.

served by leaving such copy at the last known place of residence of such person, with some person of suitable age and discretion, at least five days before the time mentioned in said order for him to appear and testify before said commissioner; and if such person shall neglect or refuse to appear before said commissioner, and testify as required by said order, the said court may issue an attachment for such witness, and shall have power to punish for contempt as in other cases of refusal to obey the process and orders of said court.

**Penalty.**

**SEC. 13.** Any person who shall willfully neglect or refuse to obey the process of subpoena issued by said commissioner, and appear and testify as therein required, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished for each offense by a fine of not more than five hundred dollars, or by imprisonment not more than six months, or both, in the discretion of the court before which such conviction shall be had.

**Unsafe  
track, bridge  
etc.**

**SEC. 14.** Whenever the commissioner shall have reasonable grounds to believe, either on complaint or otherwise, that any of the tracks, bridges, or other structures of any railroad corporation of this State are in a condition which renders any of them dangerous or unfit for the transportation of passengers with reasonable safety, it shall be his duty to inspect and examine, or cause the same to be examined and tested by some competent person or persons, and if, on such examination, in his opinion, any [of] such tracks, bridges, or other structures or works are unfit for the transportation of passengers with reasonable safety, it shall be his duty to give to the superintendent, or other executive officer of the corporation working or operating said defective track or bridge or other structure, notice of the condition thereof, and of the repairs necessary to place the same in a reasonably safe condition. He may also

**Rate of  
speed.**

order and direct the rate of speed of passing trains over such dangerous or defective track, bridge, or other structure, until the said repairs are made, and the time within which such



repairs shall be made by the company; and if any superintendent, or other executive officer aforesaid, receiving such notice and order, shall willfully neglect for the period of two days after receiving such notice or [and] order, to direct the proper subordinate officers of said corporation to run the passenger trains over such defective track, bridge, or other structure at the speed so prescribed by the commissioner, or if any engineer, conductor, or other employe of such company shall knowingly disobey such order, every such superintendent, officer, conductor, or employe, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum, not exceeding five hundred dollars, or be imprisoned in the State prison or jail of the county in which such conviction is had, for a period not exceeding one year, or both such fine and imprisonment, in the discretion of the court. Such superintendent, officer, conductor, or employe, may be prosecuted for such offense in any of the counties of this State through which said road may run. And the said commissioner shall have power to wholly stop the running of passenger trains over such defective track, bridge, or other structure, if said company shall neglect, or, without reasonable cause, fail to make such repairs within the time prescribed by said commissioner; and such company, for each and every day that ensues thereafter, and until said repairs are made, shall forfeit and pay to the State the sum of one hundred dollars.

Penalty.

Where officer or employe may be prosecuted.

Commissioner may stop running of passenger trains in certain cases.

Forfeiture for neglecting to make repairs.

SEC. 15. Every corporation owning a road in use shall, at reasonable times and for a reasonable compensation, draw over the same [the] merchandise and cars of any other corporation. If the corporations cannot agree upon the stated periods at which the cars shall be so drawn, and the compensation to be paid, the said commissioner shall, upon petition of either party and notice to the other, and after hearing the parties interested, determine the rate of compensation and fix such periods, having reference to the convenience and interest of the corporation and the public to be accommodated thereby, and the

Drawing of merchandise and cars of other corporations.

award of the commissioner shall be binding upon the respective corporations interested therein until the same shall have been revised, or alterations shall be made within one year after the award.

Accommodations for other roads terminating at same place.

SEC. 16. Where two or more railroads terminate at the same place or connect in the same city or town, each shall, for a reasonable compensation, provide upon its road at such terminus or connection, suitable depot accommodations for the passengers or merchandise of the other road terminating at the same place or connecting with it, and shall receive the same in the manner it receives and delivers its own passengers and freight, and at the rates provided by law. If the corporations cannot agree upon the terms and conditions upon which such accommodations shall be furnished and the business transacted, said commissioner shall determine the rate of compensation to be paid for the depot accommodations required for the proper reception and delivery of such passengers and merchandise over, and other business upon and connected with said roads in which they are jointly interested, and the manner in which the business shall be done, and apportion to the corporations their respective shares of the expenses, receipts, and income of the same; and the award of the commissioner shall be binding upon the corporations.

Flagmen, at crossings.

SEC. 17. Whenever, in the opinion of the commissioner of railroads, the safety of the public would be more efficiently secured by stationing a flagman to signal trains where a highway or street is crossed by any railroad, or when one railroad crosses or intersects another railroad, or by the building of a gate or bridge at such highway, street, or railroad crossing or intersection, he shall direct the corporation or corporations owning or operating any such railroad or railroads, to station a flagman, or to erect and maintain a bridge or gate at such crossing as the public safety may demand; and in case such flagman is directed to be stationed, or gate or bridge directed to be erected and maintained where one railroad crosses or intersects

another, the expense thereof shall be borne jointly in equal proportions by such railroads. Any corporation or corporation neglecting or refusing to construct such gate or bridge, or to maintain such flagman so directed as aforesaid, shall each forfeit for every such neglect or refusal the sum of one hundred dollars, and the further sum of ten dollars for every day which such neglect or refusal shall continue; and if said flagman shall neglect to display his flag, or perform such other duties as may be required of him by said commissioner, he shall for every such neglect be liable for all damages sustained by any person by reason of such neglect, to be recovered in an action of tort: *Provided*, The corporation owning or operating any such railroad shall not be released from liability therefor, but shall be subject to the same liability at the option of the aggrieved party.

SEC. 18. Every officer, agent, employe, or lessee of any railroad company who shall willfully neglect to make and furnish any report required in this act at the time herein required, or required by said commissioner, or who shall willfully and unlawfully hinder, delay, or obstruct said commissioner in the discharge of the duties hereby imposed upon him, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined a sum of not more than one thousand dollars, or be imprisoned not more than six months, or both, in the discretion of the court. And every railroad corporation, and every officer, agent, employe, lessee, or manager, of any railroad corporation shall be liable to a penalty of not more than five hundred dollars for every period of ten days it or he shall willfully neglect or refuse to make such report.

SEC. 19. Whenever it shall come to the knowledge of such commissioner, either upon complaint or otherwise, or he shall have reason to believe that any law or laws pertaining to railroads have been or are being violated, he may if he deem it expedient, prosecute or cause to be prosecuted, all corporations or persons guilty of such violation. In order to enable said

Forfeiture.

Proviso.

Punishment for not making report and hindering commissioner in discharge of duties.

Prosecution for violation of railroad laws.

Commis-  
sioner to  
visit new  
stations.

commissioner to perform his duties under this act, it is hereby made his duty, at least once in each year, to visit each county in the State in which is or shall be located a railroad station, and personally examine into the management of such railroad or railroads.

Attorney  
General and  
prosecuting  
attorney to  
prosecute.

SEC. 20. It is hereby made the duty of the Attorney General of this State, and the prosecuting attorney in every county through which any railroad may run, on the request of said commissioner, to institute and prosecute any and all suits and proceedings which shall be directed by said commissioner for a violation of this act, or any law of this State concerning railroad corporations, or their officers, employes, operators, lessees, or agents of any such railroad corporations.

Prosecutions  
and moneys  
arising  
therefrom.

SEC. 21. All such prosecutions shall be in the name of the people of the State of Michigan; and all moneys arising therefrom, except fines, shall be paid into the State treasury by the sheriff or other officer collecting the same; and all fines shall be paid to the treasurer of the county where the conviction is had by the officer collecting the same; and the prosecuting attorney who shall prosecute under this act shall receive for his compensation, from the State Treasurer, a sum equal to twenty per cent of the amount recovered, whether the same be a penalty or a fine: *Provided*, This act shall not be construed as to prevent any person from prosecuting any *qui tam* action as is or may be authorized by law, and of receiving such part of the amount recovered in such *qui tam* action as is or may be provided by law; but a recovery in any such action shall be a bar to any other prosecution for the same offense.

Compensa-  
tion of at-  
torney.

Proviso.

Construction  
of act.

SEC. 22. This act shall not be so construed as to waive or affect the right of any person injured by the violation of any law in regard to railroad corporations to sue or prosecute for his private damages in any manner allowed by law.

SEC. 23. This act shall take immediate effect.

Approved April 10, 1873.

[ No. 80. ]

AN ACT to amend sections thirteen and sixteen of an act entitled "An act to provide for the uniform inspection of lumber," approved March twenty-five, eighteen hundred and seventy-one, being sections one thousand five hundred and twenty-one and one thousand five hundred and twenty-four, of the compiled laws of eighteen hundred and seventy-one.

SECTION 1. *The People of the State of Michigan enact*, That Sections amended. sections thirteen and sixteen of an act entitled "An act to provide for the uniform inspection of lumber," approved March twenty-five, eighteen hundred and seventy-one, being sections one thousand five hundred and twenty-one and one thousand five hundred and twenty-four, of the compiled laws of eighteen hundred and seventy-one, be amended so as to read as follows:

SEC. 13. The inspector's record and the certificate of inspection, shall show the names of the buyer and the seller, the place and date of inspection, the quantity of each quality, and, if inspected for shipment by water, the name of the boat or vessel on which it was shipped. And such record or a copy Inspector's record, etc. thereof, certified by the inspector general, or a deputy inspector, Record and copy prima facie evidence of facts stated. under the official seal of such inspector general, and every certificate of inspection, shall be *prima facie* evidence of the facts therein stated. All original tally-lists kept of inspection and measurement of lumber under the provisions of this act, shall Tally lists returned. be returned by the officer making such inspection, with his return to the office of the inspector general.

(1524.) SEC. 16. Every person who shall sell or purchase any pine lumber, sold by qualities within any organized district, Penalty for violating provisions of this act. for shipment by water, without having the same inspected according to the provisions of this act, or who, not being an inspector general, deputy or sub-inspector within the district where such lumber is shipped, shall inspect any such lumber; and every person who shall willfully violate any of the provisions of this act, shall, for each and every such offense be subject to a fine of not less than one hundred dollars, and not exceeding one thousand dollars and costs of suit, which fine may be

Duty of  
inspector  
general or  
deputies to  
visit ship-  
ping points.

recovered in an action of debt, to be commenced in the circuit court by *capias*, summons, or declaration, in the name of the people of the State of Michigan; and upon the trial of every such action, proof of a shipment by water shall be *prima facie* evidence of a sale. It shall be the duty of the inspector general and his deputies, to visit the various shipping points within his district during the shipping season, for the purpose of supervising the work of the several sub-inspectors, so that the inspection may be uniform; and it shall further be the inspector general's duty to see that the provisions of this act are strictly enforced.

SEC. 2. This act shall take immediate effect.

Approved April 10, 1873.

[ No. 81. ]

AN ACT to establish a State Board of Health, to provide for the appointment of a superintendent of vital statistics, and to assign certain duties to local boards of health.

State Board  
of Health  
established.

Members of,  
and how ap-  
pointed.

Term of  
office.

Vacancy;  
how filled.

Duties of.

SECTION 1. *The People of the State of Michigan enact*, That a board is hereby established which shall be known under the name and style of the "State Board of Health." It shall consist of seven members, as follows: Six members who shall be appointed by the Governor with the consent of the Senate, and a secretary, as provided in section four of this act. The six members first appointed shall be so designated by the Governor that the term of office of two shall expire every two years, on the last day of January. Thereafter, the Governor, with the consent of the Senate, shall biennially appoint two members to hold their offices for six years, ending January thirty-first. Any vacancy in said board may be filled until the next regular session of the Legislature by the Governor.

SEC. 2. The State Board of Health shall have the general supervision of the interests of the health and life of the citizens of this State. They shall especially study the vital statistics of this State, and endeavor to make intelligent and

profitable use of the collected records of deaths and of sickness among the people; they shall make sanitary investigations and inquiries respecting the causes of disease, and especially of epidemics; the causes of mortality, and the effects of localities, employments, conditions, ingestia, habits and circumstances on the health of the people. They shall, when required, or when they deem it best, advise officers of the government, or other State boards, in regard to the location, drainage, water supply, disposal of excreta, heating, and ventilation of any public institution or building. They shall from time to time recommend standard works on the subject of hygiene for the use of the schools of the State.

SEC. 3. The board shall meet quarterly at Lansing, and at such other places and times as they may deem expedient. A majority shall be a quorum for the transaction of business. They shall choose one of their number to be their president, and may adopt rules and by-laws subject to the provisions of this act. They shall have authority to send their secretary, or a committee of the board to any part of the State, when deemed necessary to investigate the cause of any special or unusual disease or mortality.

SEC. 4. At their first meeting, or as soon as a competent and suitable person can be secured, the board shall elect a secretary, who shall, by virtue of such election, become a member of the board and its executive officer. The board may elect one of their own number secretary, in which case the Governor shall appoint another member to complete the full number of the board.

SEC. 5. The secretary shall hold his office so long as he shall faithfully discharge the duties thereof, but may be removed for just cause at a regular meeting of the board, a majority of the members voting therefor. He shall keep his office at Lansing, and shall perform the duties prescribed by this act, or required by the board. He shall keep a record of the transactions of the board; shall have the custody of all books, papers,

documents and other property belonging to the board, which may be deposited in his office; shall, so far as practicable, communicate with other State boards of health, and with the local boards of health within this State; shall keep and file all reports received from such boards, and all correspondence of the office appertaining to the business of the board. He shall so far as possible aid in obtaining contributions to the library and museum of the board. He shall prepare blank forms of returns and such instructions as may be necessary, and forward them to the clerks of the several boards of health throughout the State. He shall collect information concerning vital statistics, knowledge respecting diseases, and all useful information on the subject of hygiene, and through an annual report, and otherwise, as the board may direct, shall disseminate such information among the people.

Salary of  
secretary.

SEC. 6. The secretary shall receive an annual salary which shall be fixed by the State Board of Health. The board shall quarterly certify the amount due him, and on presentation of said certificate the Auditor General shall draw his warrant on the State Treasurer for the amount. The members of the board shall receive no per diem compensation for their services, but their traveling and other necessary expenses while employed on the business of the board shall be allowed and paid.

Expenses of  
board.

Appropri-  
ation.

SEC. 7. The sum of four thousand dollars per annum, or so much thereof as may be deemed necessary by the State Board of Health, is hereby appropriated to pay the salary of the secretary, meet the contingent expenses of the office of the secretary, and the expenses of the board, which shall not exceed the sum hereby appropriated. Said expenses shall be certified and paid in the same manner as the salary of the secretary.

Health phy-  
sicians and  
clerks of  
local boards  
to report to  
State Board.

SEC. 8. It shall be the duty of the health physician, and also of the clerk of the local board of health in each township, city, and village in this State, at least once in each year, to report to the State Board of Health their proceedings, and



such other facts required, on blanks, and in accordance with instructions received from said State Board. They shall also make special reports whenever required to do so by the State Board of Health.

SEC. 9. In order to afford to this board better advantages for obtaining knowledge important to be incorporated with that collected through special investigations and from other sources, it shall be the duty of all officers of the State, the physicians of all mining or other incorporated companies, and the president or agent of any company chartered, organized, or transacting business under the laws of this State, so far as is practicable, to furnish to the State Board of Health any information bearing upon public health which may be requested by said board for the purpose of enabling it better to perform its duties of collecting and distributing useful knowledge on this subject.

Duty of State officers, physicians, etc., to furnish information.

SEC. 10. The secretary of the State Board of Health shall be the superintendent of vital statistics. Under the general direction of the Secretary of State, he shall collect these statistics, and prepare and publish the report required by law relating to births, marriages, and deaths.

Secretary to be superintendent of vital statistics.

SEC. 11. The Secretary of State shall provide a suitable room for the meetings of the board at Lansing, and office room for its secretary.

Room for use of board.

Approved April 12, 1873.

[ No. 82. ]

AN ACT to provide for the incorporation of mutual fire insurance companies, and defining their powers and duties; and to repeal chapter ninety-seven of the compiled laws of eighteen hundred and seventy-one, and also act number ninety-four of the session laws eighteen hundred and seventy-one, approved April twelfth, eighteen hundred and seventy-one.

SECTION 1. *The People of the State of Michigan enact,* That any number of persons not less than seven may associate

Number of corporators required.

Purposes of corporation.

together and form an incorporated company for the purpose of mutual insurance of the property of its members against loss by fire or damage by lightning; which property to be insured shall embrace dwelling-houses, barns, accompanying out-buildings and their contents, farm implements, hay, grain, wool, and other products, live stock, wagons, carriages, harness, household goods, wearing apparel, provisions, musical instruments, and libraries, being upon farms as farm property, or in dwellings, or in accompanying out-buildings that constitute detached risks in villages, and belonging to the members.

Filing of statement, and publication of notice of intention.

SEC. 2. Such persons so associating shall file in the office of the Commissioner of Insurance a statement, signed by all the incorporators, stating their purpose of forming a company for the transaction of the business of insurance, as expressed in the first section of this act; which statement shall also comprise a copy of the charter proposed to be adopted by them, and shall publish a notice of such, their intention, once in each week for at least five successive weeks, in a public newspaper in the county in which such company is proposed to be located.

Corporation may open books to receive propositions, etc.

Business limited to two contiguous counties.

SEC. 3. The persons so associating, after having filed the statement and published the notice as aforesaid, may open books to receive propositions and enter into agreements in manner hereinafter specified; but no company organized by this act shall do any business or take any risks or make any insurance in any more than two counties in this State; which counties shall be contiguous, and shall be named and set forth in their charter and in the statement required by section two of this act. No insurance company organized as aforesaid shall commence business until *bona fide* agreements have been entered into for insurance with at least one hundred individuals, covering property to be insured to the amount of not less than fifty thousand dollars.

When business may be commenced.

When company may hold real estate.

SEC. 4. No company formed under this act shall purchase or hold any real estate, except—

*First*, Such as shall be necessary for its immediate accommodation in transacting business; or,

*Second,* Such as shall have been conveyed or mortgaged to the company in good faith, by way of security for debts ; or

*Third,* Such as shall have been conveyed to the company in satisfaction for debts ; or,

*Fourth,* Such as shall have been purchased at sales, upon judgments, decrees, or mortgages in favor of such company, or held or owned by it. And all real estate obtained by virtue of any provisions of this section, except that mentioned in the first subdivision, shall be sold or disposed of within five years after the title has been perfected in such company, unless the company shall procure a certificate from the Commissioner of Insurance that the interest of said company will materially suffer by forced sale, in which event the sale may be postponed for such period as the said Commissioner of Insurance shall direct in said certificate, not to exceed ten years in all.

SEC. 5. In addition to the foregoing provisions, it shall be the duty of the corporators of any company organized under the provisions of this act to declare in the charter which is hereby required to be filed, the mode and manner in which the corporate powers given under and by virtue of this act are to be exercised, the mode and manner of electing trustees or directors, who shall be citizens of the county or counties in which the company is doing business, the filling of vacancies, the period for the commencement and termination of its fiscal year ; and may prescribe therein the liabilities of the members to be assessed toward defraying the losses and expenses of the company, and the mode and manner of collecting such assessments.

What shall be declared in the charter.

SEC. 6. The charter thus to be filed by the corporation shall be examined by the Attorney General, and if found to be in accordance with the requirements of this act, he shall certify the same to the Commissioner of Insurance, and said Commissioner may appoint three disinterested persons residents of the county wherein such corporation is proposed to be formed, who shall certify under oath that it has received and is in actual possession of the premiums or engagements of insurance as the

Evidences of authority to do business, how ascertained.

**Proviso.** case may be, to the full extent required in this act: *Provided however,* The Commissioner of Insurance may make such examination personally or by his deputy. Copies of such certificate shall be filed in the office of the Commissioner of Insurance, whose duty it shall then be to furnish the corporation with a certified copy of the charter and certificates aforesaid, which, upon being filed by them in the county clerk's office of the county in which such company is located, shall be their authority to commence business and issue policies, and the same may be used in evidence for or against such corporation.

**Authority to commence business.**

**Powers of corporation.**

**SEC. 7.** The corporators, or the trustees, or directors, as the case may be, of any company organized under this act, shall have power to make such by-laws, not inconsistent with the constitution or laws of this State, as may be deemed necessary for the government of its officers and members, and the conduct of its affairs.

**Annual statement.**

**SEC. 8.** It shall be the duty of the president, or vice-president and secretary of each company organized under this act, annually, on the first day of January, or within one month thereafter, to prepare, under their own oath, and deposit in the office of the Commissioner of Insurance a statement of the condition of such company on the thirty-first day of December then next preceding, exhibiting the following facts and items, namely:

**Contents of.**

*First,* The number of members December thirty-first of the previous year; the number of members added during the year; the number of members who have withdrawn, or whose policies have been canceled during the year, and the number of members belonging to the company;

*Second,* The amount of property at risk December thirty-first of previous year; the amount of risks added during the year; the amount of risks canceled, withdrawn, or terminated during the year, and the net amount at risk by the company;

*Third,* The amount of premium or deposit notes in force; the amount of cash premiums (or assessments) actually on hand; the amount of outstanding assessments not canceled;

the nature and amount of all other resources ; the total amount of resources ;

*Fourth,* The claims for losses due and payable ; the claims Idem. for losses not matured ; the claims for losses resisted ; the nature and amount of all other claims due or accrued, and the total amount of liabilities ;

*Fifth,* The amount of premiums on deposit notes taken during the year ; the amount of cash premiums received during the year ; the amount collected on assessments which were levied during the year ; the amount collected this year on assessments which were levied in prior years ; the amount received from membership or policy fees or from any other sources constituting an expense to be [the] insured ; the amount received from percentage on increased or decreased insurance ; the income from all other sources ; and the total income ;

*Sixth,* The amount paid for losses during the year, stating the amount of same which was for losses of previous years ; the amount of salary and fees paid to officers and directors ; the amount of all other expenditures during the year ; and the total expenditures during the year.

SEC. 9. A copy of every such sworn statement and report shall in said month of January be filed in the office of the county clerk of the county where the principal business office of the company is located, and another copy thereof shall be published at least twice during said month in a newspaper printed in such county ; and the persons or officers making such sworn statement or report to be filed in the office of the Commissioner of Insurance as aforesaid, shall make and annex thereto and file therewith in the office of the Commissioner of Insurance an additional affidavit, showing that such report and statement has been published, and a copy thereof filed in the office of the county clerk as above provided ; and if upon examination of such annual statement or the examination of the company hereafter provided for it shall appear to the Commissioner of Insurance that the losses and expenses of any company char-

Sworn statement to be filed in county clerk's office and published.

Additional affidavit filed with Commissioner of Insurance.

When solvency is doubted by Commissioner.

Notice to  
discontinue  
the issuing  
of policies,  
etc.

tered under this act have during the year exceeded the cash premiums and assessments collected, to such an extent as to imply a doubt in the mind of said Commissioner of Insurance as to the solvency of said company and its ability to pay all its losses and other debts, it shall be the duty of said Commissioner of Insurance to serve a notice upon the officers of such mutual company, requiring them, at the expiration of sixty days from the date of such notice, to discontinue the issuing of policies and proceed to wind up its business, unless within that time the directors of such company shall collect assessments and pay such losses and debts.

Directors  
and officers  
responsible  
for loss when  
policies are  
issued con-  
trary to law.

SEC. 10. In case any company shall continue to issue policies after the expiration of the sixty days, they having failed to comply with the requirements of the Commissioner of Insurance in said notice, or if any company having failed to make their annual report to the Commissioner of Insurance at the time and in the manner herein prescribed therefor, shall thereafter issue any policy or make any insurance; or if such report to the Commissioner of Insurance shall be imperfect or contain false statements, or shall be so made as fraudulently to conceal the actual condition or responsibility of the company, the directors and officers of such company shall be, jointly and severally, personally liable and responsible for any losses that may thereafter occur in said company, or to any person insured therein or thereby; and the persons sustaining such losses may sue for and recover the amount of such losses from such directors and officers, or from any one or more of them.

Commission-  
er to furnish  
blanks for  
statements.

SEC. 11. It shall be the duty of the Commissioner of Insurance, on or before the first day of December in each year, to furnish all companies organized under this act, with blanks for the purpose of making thereon the statement hereby required to be filed, which blanks shall be used by the proper officers in making said statements, which statements shall be full and in accordance with the requirements heretofore set forth; and he may, from time to time, make such changes in

the form of such statements as shall seem to him best adapted to elicit from the companies a true exhibit of their condition in respect to the several points hereinbefore enumerated. And in case the officers or directors of any company shall fail, neglect, or refuse to perform any of the duties required of them by law, within the time and in the manner prescribed for the performance of such duty, or shall knowingly make or permit any false or imperfect statement to be made in any annual or other report or statement required to be made by them or by any of them, or by the company to the Commissioner of Insurance, or shall do or aid or assist in doing anything which any such company is hereby prohibited from doing, or shall in any manner violate any of the provisions of this act, or shall aid in or consent to any violation of any of the provisions of this act, then and in every such case every director or officer or person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding **Penalty.** one thousand dollars, nor less than five hundred dollars, or by imprisonment in the county jail not less than three months nor more than one year, or by both such fine and imprisonment, in the discretion of the court; and when such failure, neglect, or refusal on the part of the officers of any company is **When failure is known to Commissioner.** known to the Commissioner of Insurance, it shall be his duty to notify the prosecuting attorney of the county where such company is located, whose duty it shall then be to commence legal proceedings against such officers to enforce the penalty hereby imposed.

SEC. 12. Suits at law may be maintained by any corporation formed under this act against any of its members for any **Suits, how prosecuted and maintained.** cause relating to the business of such corporation; also, suit at law may be prosecuted and maintained by any member against such corporation for claims which may have accrued, if payments are withheld more than sixty days after such claims shall have become due. In all cases where by the charter and by-laws of any company now organized, or which may **Assessment for payment of losses, etc.**

be hereafter organized under the provisions of this act, and doing business in any county or counties in this State upon applications or agreements, with or without taking from the insured any premium note or notes, it shall be lawful for any such mutual insurance company to make assessments upon such agreements, or the policies issued thereon *pro rata*, according to the amount of such agreements or policies, for the payment of the losses and expenses incurred by such company, and all such premium notes or assessments shall be a lien upon the property insured to the amount of such note or assessments, costs, and interest due thereon.

Body  
corporate.

SEC. 13. All companies formed under this act shall be deemed bodies corporate and politic in fact and in name, and shall be subject to all the provisions of the statute in relation to corporations so far as they are applicable.

Companies  
may amend  
articles of  
association.

SEC. 14. Any such company formed under this act shall have power to amend their articles of association or charter, at the regular annual meeting held according to the provisions of said charter or articles of association, and upon giving a notice of their intention so to do, and of the time and place of meeting for that purpose; such notice shall be published five successive times in some newspaper of general circulation, published weekly in the county or counties where such company does business. Said amendments shall be submitted to the Attorney General and his certificate of compliance with the law obtained; and said amendments shall be filed in the office of the Commissioner of Insurance, and also with the clerk of the county in which the office of the company is located.

Amend-  
ments to be  
submitted to  
Attorney  
General.

Proceedings  
in case of  
failure to  
pay up out-  
standing  
claims.

SEC. 15. If any insurance company, organized or to be organized under this act, shall not within sixty days after the Commissioner of Insurance shall have given the notice required by section nine, pay up and discharge all outstanding claims against such company, it shall be the duty of the Commissioner of Insurance to file a petition in the circuit court for any



county where such company has transacted business, either in vacation or term time, stating that the sixty days within which such company was required to proceed to wind up its business have expired, and that there are outstanding claims against such company, a copy of which said petition shall be published for three successive weeks in a public newspaper printed in such county, or if no newspaper is published in such county, then such notice shall be published in any paper published nearest the office of such company.

SEC. 16. It shall be the duty of the Commissioner of Insurance, as often as once in each year, in person or by deputy, to visit and examine into the affairs of any mutual insurance company now organized or hereafter to be organized under this act; and it shall be the duty of the officers or agents of any such company to cause their books to be opened for inspection, and otherwise to facilitate such examination so far as it may be in their power to do; and for that purpose the said Commissioner of Insurance shall have power to examine, under oath, the officers and agents of any company relative to the standing and condition of said company. And all necessary expenses of such examination shall be paid by each company so examined.

Commissioner to visit and examine into affairs of companies.

SEC. 17. At any time after the publication required by section fifteen of this act, the Commissioner of Insurance may appear in said court, in person or by counsel, and move for the appointment of a receiver for said company; and the said company may also be heard, and, upon such hearing, the report of such company, filed in the office of the Commissioner of Insurance, shall be conclusive evidence of the facts therein stated, and of the liability of such company, unless such company shall show that they have since paid and discharged the liabilities; and if upon the hearing thereof it shall appear to such court that the statements in such petition are materially true, the said court shall appoint a receiver for such company, who shall be and is hereby empowered to take possession of all

Application for appointment of receiver.

Power and duties of receiver.

books and papers and personal property of said company, and shall ascertain the amount due from said company on property insured, and shall at once proceed to assess upon all of the members and persons insured in such company, such sums of money as will in the aggregate be sufficient to pay all the losses and liabilities of said company, together with the services and expenses of such receiver, according and in proportion to the amount of their insurance or interest in such company; and upon payment of such assessment, the said members shall be discharged of and from all former assessments made by such company; and it shall be the duty of said receiver to give notice of such assessment by publishing in some weekly newspaper printed in the county or counties where the office or offices of the company are located, or in the county where such proceedings were had, once in each week for three successive weeks, a general notice, stating therein the aggregate amount assessed in said company; and upon application he shall furnish to any person assessed a statement showing the amount of his assessment; and in case any member or person insured so assessed shall neglect for thirty days after such publication to pay the amount of such assessment to said receiver, he may sue for the same in the circuit court wherein he was appointed, and in such cases service may be made upon the persons sued in any county in the State; or at his election the receiver may sue in the circuit court for the county wherein the person assessed, or who is liable to pay such assessment, may reside or be, in an action of debt or assumpsit, in his own name, as receiver of said company; and upon such suit said assessment shall be *prima facie* evidence of the regularity and correctness of all proceedings up to and including the assessment, and of the receiver's right to recover therein the amount assessed, with costs. If the amount realized by such receiver be insufficient to pay the losses and liabilities therein, and the services and expenses aforesaid, he shall proceed to make a second assessment, and such further or other assess-

Assessment  
to pay losses,  
etc.

Notice.

Collection.

Second as-  
sessment  
may be  
made.

ments as may be necessary to realize the same, in the same manner and with the like effect as is herein provided for making the first assessment; and shall sue for and collect the same in the same manner. If, after paying the losses and liabilities of such company, and the services and expenses aforesaid, there shall remain any funds in the hands of the receiver, the same shall be paid back to the persons assessed, in just and equal proportions to the sums contributed and paid by them. Surplus re-funded.

SEC. 18. Such receiver shall keep an accurate account of all moneys or other property received by him, and shall pay over all moneys by him collected, and the proceeds of all personal property *pro rata* upon said liabilities, after deducting therefrom for his services and expenses (if the court making such appointment shall deem the amount thereof reasonable). The court making such appointment may also require such receiver to give a bond, with sufficient sureties, in such penal sum as such court shall determine, which said bond shall run to the people of the State of Michigan, and be conditioned for the faithful discharge of his duties as such receiver (and be approved by the clerk or judge of such court); and said court may from time to time require such receiver to make a report, and upon the coming in of his final report, showing a full and faithful performance of such trust, may discharge him from all further liability. It shall also be the duty of such receiver annually, during the month of January in each year, to make a report to the Commissioner of Insurance, showing the condition and affairs of such receivership on the thirty-first day of December preceding. This act shall be construed as applying to all receivers heretofore appointed, as well as to receivers which may hereafter be appointed under this act. Account of receipts, etc. Bond of receiver. Annual report.

SEC. 19. Every mutual fire insurance company heretofore organized under the laws of this State shall conform to all the provisions of this act; but no such company whose organization, articles of association, and by-laws already conform to the provisions hereof shall be required to re-organize. Companies heretofore organized.

Acts  
repealed.

SEC. 20. Chapter ninety-seven of the compiled laws of eighteen hundred and seventy-one, and also act number ninety-four of the session laws of eighteen hundred and seventy-one, approved February twelfth, eighteen hundred and seventy-one, are hereby repealed.

SEC. 21. This act shall take immediate effect.

Approved April 15, 1873.

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[ No. 83. ]

AN ACT to amend sections thirty-five and thirty-seven, chapter two hundred and fifteen, relative to certain liens upon personal property, being sections six thousand eight hundred and twenty-three and six thousand eight hundred and twenty-five of the compiled laws of eighteen hundred and seventy-one.

Sections  
amended.

SECTION 1. *The People of the State of Michigan enact*, That sections thirty-five and thirty-seven, chapter two hundred and fifteen, relative to certain liens upon personal property, be and the same is amended so as to read as follows:

Lien of me-  
chanics, etc.,  
on personal  
property  
in certain  
cases.

(6823.) SEC. 35. Whenever any person shall deliver to any mechanic, artisan, or tradesman, any materials or articles for the purpose of constructing in whole or in part, or completing any furniture, jewelry, implement, utensil, clothing, or other article of value, or shall deliver to any person any horse, mule, neat cattle, sheep, or swine to be kept or cared for, such mechanic, artisan, tradesman, or other person shall have a lien thereon for the just value of the labor and skill applied thereto by him, and for any materials which he may have furnished in the construction or completion thereof, and for the keeping and care of such animals, and may retain possession of the same until such charges are paid.

When lien  
may be en-  
forced.

(6825.) SEC. 37. In either of the cases mentioned in the two preceding sections, if the owner of the property, materials, or stock so delivered, or the person entitled thereto shall not, when such article shall have been constructed, completed,

altered, fitted, or repaired, or the time having expired for the keeping such stock, and the same being ready to be delivered to such owner or other persons, and the charges thereon shall be due and payable, pay to such mechanic, artisan, tradesman, or other person the amount of such charges, the person having such lien may enforce the same as hereinafter provided.

Approved April 15, 1873.

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[ No. 84. ]

AN ACT to provide for appeals to the supreme court in certain cases.

**SECTION 1.** *The People of the State of Michigan enact, That* <sup>Appeal authorized.</sup> in any case where a decree or final order has been, or shall be made by any circuit court in chancery, or the judge thereof, under the provisions of chapter two hundred and fifteen of the compiled laws of eighteen hundred and seventy-one, either party who may consider himself aggrieved by such order or decree may appeal therefrom to the supreme court in the same manner as is provided by law for appeals in ordinary chancery cases; and the powers and duties of the supreme court in relation to such appeal shall be the same as are now provided by law in relation to appeals in ordinary chancery cases.

**SEC. 2.** In any case where an appeal has heretofore been <sup>Appeals heretofore sought and dismissed may be reinstated, etc.</sup> taken, or sought to be taken, from any such order or decree, and has been dismissed by the supreme court for want of jurisdiction, the supreme court may, upon application by either party, reinstate such appeal, and hear and dispose of the same as in ordinary chancery cases; and the records in such cause, transmitted by the register of the circuit court in chancery to the clerk of the supreme court, shall be taken and deemed to be the record in such cause, subject to be perfected

or amended by order of the supreme court as in ordinary cases.

Application  
of act.

SEC. 3. The provisions of this act shall not apply to cases in which a final order or decree has been paid and satisfied in whole or in part.

SEC. 4. This act shall take immediate effect.

Approved April 15, 1873.

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[ No. 85. ]

AN ACT to amend section seven of chapter one hundred and sixty-nine, it being section four thousand seven hundred and twenty-five of the compiled laws of eighteen hundred and seventy-one, relative to marriage and the solemnization thereof.

Section  
amended.

SECTION 1. *The People of the State of Michigan enact*, That section seven (7) of chapter one hundred and sixty-nine (169), being section four thousand seven hundred and twenty-five of the compiled laws of eighteen hundred and seventy-one, be so amended as to read as follows:

Marriage,  
by whom  
solemnized.

(4725.) SEC. 7. Marriages may be solemnized by any justice of the peace in the county in which he was chosen, and they may be solemnized throughout the State by any minister of the gospel who has been ordained according to the usages of his denomination, and who is a pastor of any church or churches in this State, or who shall continue to preach the gospel in this State: *Provided*, That all non-resident ministers of the gospel who are authorized by this act to solemnize marriages, shall keep proper records and make returns as required by section two, chapter sixteen of the compiled laws of eighteen hundred and seventy-one.

proviso.

Approved April 15, 1873.

[ No. 86. ]

AN ACT to amend section five of an act entitled "An act to protect fish and preserve the fisheries of this State," approved March twenty first, eighteen hundred and sixty-five, being section two thousand and seventy-six of the compiled laws of eighteen hundred and seventy-one.

SECTION 1. *The People of the State of Michigan enact*, That section five (5) of an act entitled "An act to protect fish and preserve the fisheries of this State," be and the same is hereby amended so as to read as follows: No speckled trout or grayling shall be killed at any time by means of nets, traps, or seines, in any inland lake, river, or stream, nor by any other means, between the first day of October and the first day of April next succeeding.

Section amended.

When speckled trout or grayling must not be killed.

Approved April 15, 1873.

[ No. 87. ]

AN ACT to provide for recording certain evidence concerning titles to land.

SECTION 1. *The People of the State of Michigan enact*, When by any treaty or law of the United States it shall have been, or shall hereafter be required that permission or consent or approval of the United States be given to the lease, sale, alienation, or conveyance of any lands situate in this State, such permission, consent, or approval by the President of the United States to such sale, lease, alienation, or conveyance, and the petition or prayer in writing soliciting that the consent, permission, or approval be made, may be recorded in the office of the register of deeds of the county in which the lands or any of them may be situated; and the record or a transcript of the record, certified by the register in whose office the same may have been recorded, may be read in evidence in any court

Approval of sale, etc., may be recorded.

Record or transcript thereof, evidence in court.

within this State without further proof thereof; but the effect of such evidence may be rebutted by other competent evidence.

SEC. 2. This act shall take immediate effect.

Approved April 15, 1873.

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[ No. 88. ]

AN ACT to amend section thirty, chapter ten, being section four hundred and ninety-six of the compiled laws of eighteen hundred and seventy-one, entitled "Boards of Supervisors."

Section  
amended.

SECTION 1. *The People of the State of Michigan enact*, That section thirty, chapter ten, being section four hundred and ninety-six of the compiled laws of eighteen hundred and seventy-one, entitled "Boards of supervisors," be and the same is hereby amended so as to read as follows:

Compensa-  
tion of mem-  
bers.

(496.) SEC. 30. Each member of such board of supervisors shall be allowed a compensation of three dollars per day for his services and expenses in attending the meetings of such board, and six cents a mile for each mile necessarily traveled in going to and returning from the place of such meeting, to be audited by the board and paid by the county, which said amount shall be in full for all services and expenses in attending the meeting of such board of supervisors, and any supervisor receiving further or other compensation for such services shall be guilty of misdemeanor, and on conviction thereof, shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars: *Provided*, The supervisors of Wayne county shall only receive three dollars per day for the first fifteen days of any regular session, and the like sum of three dollars per day for the first three days of any extra session, of which there shall not be more than two in any one year; the same mileage to be allowed as is provided for in the regular sessions, which said amount shall be in full for all services and expenses in attending the meetings of such board

Proviso  
relative to  
Wayne  
county.



of supervisors; and any supervisor receiving any other or further compensation for such services shall be guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars.

SEC. 2. This act shall take immediate effect.

Approved April 15, 1873.

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[ No. 89. ]

AN ACT to provide for the appraisal and sale of the balance of section sixteen, in town two north, of range three west, in the county of Eaton.

SECTION 1. *The People of the State of Michigan enact*, That <sup>Appraisal.</sup> it shall and may be lawful for the supervisors of the townships of Eaton Rapids, Hamlin, and Windsor, in the county of Eaton, to enter upon and appraise, by legal subdivisions, that portion remaining unsold of section sixteen, in town two north, of range three west, in said county, at its true cash value, and the same to return on oath to the Commissioner of the State Land Office, that such appraisal is honestly and fairly made, and that the same is appraised, according to their judgment, at the cash value of each of said subdivisions.

SEC. 2. It shall be the duty of the Commissioner of the State Land Office to issue a commission to said supervisors of <sup>Commission requiring appraisal.</sup> the towns aforesaid, requiring them to examine and appraise the balance unsold of said section; and on the return of said <sup>Return of commissioners and sale.</sup> commissioners with two or more of said commissioners' signatures, under oath, with the appraisal thereof as to the value of each parcel, it shall be and is hereby made the duty of said Commissioner of the State Land Office to sell said lands at public or private sale, with like terms and conditions as school <sup>Proviso.</sup> lands in other cases are sold: *Provided*, In no case shall said lands be sold for less per acre than the appraisal thereof by the said commissioners.

SEC. 3. This act shall take immediate effect.

Approved April 15, 1873.

[ No. 90. ]

AN ACT to amend section sixty-eight of an act entitled "An act to provide for a uniform assessment of property, and for the collection and return of taxes thereon," approved April six, eighteen hundred and sixty-nine, being section one thousand and thirty-four of the compiled laws of eighteen hundred and seventy-one.

Section  
amended.

SECTION 1. *The People of the State of Michigan enact*, That sections sixty-eight of an act entitled "An act to provide for a uniform assessment of property, and for the collection and return of taxes thereon," approved April six, eighteen hundred and sixty-nine, being section one thousand and thirty-four of the compiled laws of eighteen hundred and seventy-one, be and is hereby amended to read as follows:

Transcript  
to be for-  
warded to  
Auditor  
General.

(1034.) SEC. 68. Such transcript, so made out, compared, and certified, shall be forwarded by the county treasurer to the Auditor General, by the first day of March next after the return of such statement; but such transcript shall be receivable at any time during said month of March, and when received by the Auditor General, the amount thereof shall be placed to the credit of the proper county, on the books in his office: *Provided*, That whenever the time of the return of taxes of any township shall be extended by proper authority, the transcript of taxes returned from such township shall be forwarded to the Auditor General within one month after the expiration of such extension.

When re-  
ceivable and  
how credited

Proviso.

SEC. 2. This act shall take immediate effect.

Approved April 15, 1873.

[ No. 91. ]

AN ACT to provide for the transfer of the insane inmates of the Soldiers' Home, at Detroit, or of any county jail in this State, who have been soldiers or marines of the United States to the credit of the State of Michigan, and who are not criminals, to the Insane Asylum at Kalamazoo.

SECTION 1. *The People of the State of Michigan enact*, That all the insane inmates of the Soldiers' Home, at Detroit, or [of]

any county jail of this State, who have been soldiers or marines of the United States to the credit of the State of Michigan, and who are not criminals, and all such soldiers or marines within the State who are or may hereafter become insane, may by the order of the State Military Board, be transferred under the same rules and regulations as govern the admission of county patients to the Insane Asylum at Kalamazoo, and there be provided for at the expense of the State.

Transfer of  
certain in-  
sane persons  
to the  
Asylum at  
Kalamazoo.

SEC. 2. All the expenses incurred by section one of this act shall be audited and paid in such manner as other expenses of like character are audited and paid, the same to be paid from the military fund of the State.

Expenses,  
how audited  
and paid.

SEC. 3. This act shall take immediate effect.

Approved April 15, 1873.

[ No. 92. ]

AN ACT to amend section six of an act entitled "An act to provide for the appointment of stenographer for the circuit court for the county of Wayne, and other counties in this State, and to limits [limit] the operations of sections one and four of an act to declare and establish the practice of instructing juries and in settling the law in cases tried in the circuit courts, approved March twenty-sixth, eighteen hundred and sixty-nine," approved April two, eighteen hundred and sixty-nine, being section five thousand and thirty-two of the compiled laws of eighteen hundred and seventy-one.

SECTION 1. *The People of the State of Michigan enact*, That section six of an act entitled "An act to provide for the appointment of stenographer for the circuit court for the county of Wayne, and other counties of this State, and to limit the operation of sections one and four of an act to declare and establish the practice of instructing juries and in settling the law in cases tried in the circuit courts, approved March twenty-sixth, eighteen hundred and sixty-nine," approved April two, eighteen hundred and sixty-nine, being section five thousand and thirty-two of the compiled laws of

Section  
amended.

eighteen hundred and seventy-one, be and the same is hereby amended so as to read as follows:

Salary of stenographer; tax upon parties to suit equally.

(5032.) SEC. 6. In each and every issue of fact tried before the court or jury, before the trial commences, there shall be paid into the hands of the clerk of the court by the parties to the suit, in equal proportions, the sum of three dollars, which sum shall be paid by said clerk into the county treasury to apply upon the payment of the salary of said stenographer, hereinbefore provided, and the prevailing party shall have the amount so paid by him taxed in his bill of costs as proper disbursements.

Approved April 15, 1873.

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[ No. 93. ]

AN ACT to amend section sixty (60) of chapter ninety (90) of the revised statutes of eighteen hundred and forty-six, being section five thousand and ninety-six (5096) of the compiled laws of eighteen hundred and seventy-one.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section sixty of chapter ninety of the revised statutes of eighteen hundred and forty-six, being section five thousand and ninety-six of the compiled laws of eighteen hundred and seventy-one, be and the same is hereby amended so as to read as follows:

Copy of decree affecting real estate may be recorded.

SEC. 60. After the entry and enrollment of any final decree affecting or determining the title to real estate, a copy of such decree, duly certified by the register in chancery of the county in which the same was entered, under the seal of the court, may be received and recorded in the office of the register of deeds of the proper county, and shall have the same effect as the original decree; and if such decree shall direct the execution of a conveyance or other instrument affecting the title to real estate, the record of such certified copy shall have the same effect as the record of such conveyance or other instru-

Effect of copy of record when conveyance is decreed.

ment affecting the title to real estate would have if duly executed pursuant to said decree.

Approved April 15, 1873.

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[ No. 94. ]

AN ACT to amend section six thousand seven hundred and twenty-five of the compiled laws of eighteen hundred and seventy-one, relative to the action for causing death by wrongful act, neglect, or default.

SECTION 1. *The People of the State of Michigan enact, That* Section amended.  
 section six thousand seven hundred and twenty-five of the compiled laws of eighteen hundred and seventy-one, relative to the action for causing death by wrongful act, neglect, or default, be and the same is amended so as to read as follows :

(6725.) SEC. 2. Every such action shall be brought by, and By whom suit is to be brought.  
 in the names of, the personal representatives of such deceased person, and the amount recovered in every such action, shall be distributed to the persons and in the proportions provided Measure of damages and distribution thereof.  
 by law in relation to the distribution of personal property left by persons dying intestate; and in every such action the jury may give such damages as they shall deem fair and just, with reference to the pecuniary injury resulting from such death, to those persons who may be entitled to such damages when recovered.

Approved April 15, 1873.

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[ No. 95. ]

AN ACT to regulate and define the duties of the judges of probate in certain cases.

SECTION 1. *The People of the State of Michigan enact, That* Judge of probate to notify executors and guardians to appear and render account.  
 it shall be the duty of the judge of probate of any county in this State to notify and require all persons appointed executor or administrator of any estate, or guardian of any minor chil-

dren, or of any incompetent person within his county, to appear at his office within one year from the date of their appointment as such administrator, executor, or guardian, and at least once in each year thereafter during the continuance of the administration or guardianship, and at such other time as he may direct, to render unto him an accurate account of all moneys and other property in their hands as such executor, administrator or guardian, and the proceeds and expenditure thereof.

Notice of  
meeting for  
purpose of  
hearing ac-  
count.

SEC. 2. The judge of probate shall give at least two weeks' notice of the time and place of meeting for the purpose of hearing such account, which notice shall be personally served upon such administrator, executor, or guardian; and to all other persons interested in said estate, such notice may be given personally or by publication under the direction of said judge of probate.

Failure to  
appear or  
give account  
cause for  
removal.

SEC. 3. In case any such executor, administrator, or guardian shall fail to appear at the time and place specified in the notice, or to render to the judge of probate a satisfactory statement of his accounts, then it may be lawful and shall be the duty of the judge of probate to remove such executor, administrator, or guardian, and to appoint some suitable person in his place, who shall give the same bonds, discharge the same duties, and be liable to the same penalties as is now provided by law.

Approved April 15, 1873.

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[ No. 96. ]

AN ACT to amend section one hundred and twenty-seven of chapter one hundred and seventy-eight of the compiled laws of eighteen hundred and seventy-one, being an act relative to courts held by justices of the peace.

Section  
amended

SECTION 1. *The People of the State of Michigan enact*, That section one hundred and twenty-seven of chapter one hundred and seventy-eight of the compiled laws of eighteen hundred and seventy-one, be and the same is hereby amended so as to read as follows:

(5375.) SEC. 127. Whenever a judgment shall be rendered by any justice of the peace against any party, unless otherwise herein provided, it shall be with costs of suits; but the whole amount of all the items of such costs shall not exceed ten dollars; and no counsel or attorney fee shall be taxed in favor of the prevailing party, except in those cases expressly provided by law.

Judgment  
by justice to  
be with costs  
of suit.  
Costs limit-  
ed.

Attorney fee.

Approved April 15, 1873.

[ No. 97. ]

AN ACT to amend section seven thousand four hundred and forty-seven of the compiled laws of eighteen hundred and seventy-one, relative to fees of justices of the peace.

SECTION 1. *The People of the State of Michigan enact, That* section seven thousand four hundred and forty-seven of compiled laws of eighteen hundred and seventy-one be so amended as to read as follows:

Section  
amended.

(7447.) SEC. 15. For a summons, warrant, or venire, fifteen cents; for trying each cause, one dollar for the first day, and for each additional day, the sum of one dollar; for issuing a writ of replevin or attachment, twenty-five cents; for entering any cause upon the docket after return of process, twenty-five cents; and for making all other entries upon the docket in any cause not otherwise provided for, twenty-five cents; for each subpoena not exceeding four, ten cents; for swearing a jury, ten cents; for swearing each witness in a cause, ten cents; for entering every final judgment, twenty-five cents; for issuing execution, twenty-five cents; for every continuance or adjournment at the request of the party, fifteen cents; for drafting any bond or recognizance, requisite in any case before a justice of the peace, thirty-five cents; for approving any bond or recognizance, ten cents; for reducing the evidence, objections to evidence, and exceptions taken by either

Fees.

Idem.

Any other  
fees in civil  
causes pro-  
hibited.

party, upon [the] trial of any cause, ten cents for each folio ; for making and filing return upon appeal, one dollar ; for taking depositions, examinations, or confessions, ten cents for each folio ; for entering a discontinuance or satisfaction, ten cents ; for entering every assignment of a judgment, fifteen cents ; for entering an amicable suit, twenty-five cents ; for appointing appraisers of estates of deceased persons, fifteen cents in each case ; for marrying and making return thereof, two dollars ; for taking acknowledgment of a deed or other instrument, twenty-five cents for each person acknowledging ; for making a certified transcript of any judgment and of the proceedings in any cause, fifty cents ; for certifying cause to the circuit court on plea of title, fifty cents ; for making return on special appeal or certiorari, two dollars ; and no justice of the peace shall receive any other fees or compensation for any services rendered in any civil cause than such as is hereinbefore provided.

Approved April 15, 1873.

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[ No. 98. ]

AN ACT to amend section five of chapter one hundred and thirty-six, relative to primary schools, being section three thousand five hundred and eighty-six of the compiled laws of eighteen hundred and seventy-one.

Section  
amended.

SECTION 1. *The People of the State of Michigan enact*, That section five of chapter one hundred and thirty-six, relative to primary schools, being section three thousand five hundred and eighty-six of the compiled laws of eighteen hundred and seventy-one, be amended so as to read as follows :

Election of  
district off-  
cers.

(3586.) SEC. 5. The qualified voters of such district, when assembled pursuant to such previous notice, and all existing districts, at their annual meeting, in the year one thousand eight hundred and fifty-nine, shall elect, by ballot, from the qualified voters of such district, a moderator for three years, a director for two years, and an assessor for one year ; and on

Terms of  
office.



the expiration of their respective terms of office, and regularly thereafter, their several successors shall be elected in like manner for a term of three years each. Within ten days after their election, these several officers shall file with the director a written acceptance of the offices to which they shall have been respectively elected, which shall be recorded by said director. <sup>Acceptance of office.</sup>

SEC. 2. This act shall take immediate effect.

Approved April 17, 1873.

[ERROR.—Not ordered to take immediate effect by the Legislature.]

[ No. 99. ]

AN ACT to amend section thirty-seven of the revised statutes of eighteen hundred and forty-six, being section six thousand seven hundred and sixty-two of the compiled laws of the year of our Lord one thousand eight hundred and seventy-one, relative to actions of replevin.

SECTION 1. *The People of the State of Michigan enact*, That section thirty-seven of the revised statutes of the year of our Lord one thousand eight hundred and forty-six, being section six thousand seven hundred and sixty-two of the compiled laws of the year of our Lord one thousand eight hundred and seventy-one, be and the same is amended so as to read as follows: <sup>Section amended.</sup>

SEC. 37. Whenever judgment shall pass against the plaintiff in replevin, whether by default or otherwise (except when the case shall be dismissed by reason of some default in the writ or the service thereof, or in the affidavit), and a return of the property is awarded, no writ of second deliverance shall be allowed, nor shall any second or other writ of replevin be brought for the same cause, but the plaintiff in replevin shall not thereby be barred from bringing an action of trespass or trover for the same property, unless the judgment in the action of replevin shall have passed against him on the merits. <sup>Effect of judgment for return of property.</sup>

Approved April 17, 1873.

[ No. 100. ]

AN ACT to authorize the appointment of a commissioner by the Governor, whose duty it shall be to obtain statistics and other information relative to the treatment and cure of inebriates.

Appoint-  
ment of  
commission-  
er and his  
duties.

SECTION 1. *The People of the State of Michigan enact*, That the Governor of the State of Michigan may commission a suitable and competent person, whose duty it shall be, without expense to the State, to procure information and statistics relative to the scientific treatment and cure of the victims of intemperance.

SEC. 2. This act shall take immediate effect.

Approved April 17, 1873.

[ No. 101. ]

AN ACT to amend sections seven hundred and ninety-three, seven hundred and ninety-nine, and eight hundred of the compiled laws of eighteen hundred and seventy-one, being sections two, eight, and nine of an act entitled "An act to provide for taking the census and statistics of this State," approved February nine, eighteen hundred and fifty-three.

Sections  
amended.

SECTION 1. *The People of the State of Michigan enact*, That sections seven hundred and ninety-three, seven hundred and ninety-nine, and eight hundred of the compiled laws of eighteen hundred and seventy-one, being sections two, eight, and nine of an act entitled "An act to provide for taking the census and statistics of this State," approved February nine, eighteen hundred and fifty-three, be and the same are hereby amended so as to read as follows:

Duty of  
supervisors  
and assess-  
ors to collect  
statistics.

(793.) SEC. 2. And it shall also be the duty of the supervisors and assessors of each city and township, at the time mentioned in the preceding section for taking the census of his township or ward, to ascertain and set down in a table prepared for that purpose the whole number of acres of taxable land; the whole number of acres of land owned by individuals and com-

panies; the number of acres improved; the whole number of acres of land exempt from taxation, and for what cause, and its value; the number of acres sowed with wheat then on the ground; the number of acres and the number of bushels of corn harvested the preceding year; the number of acres harvested and the number of bushels of wheat raised the preceding year; the number of bushels of all other kinds of grain; the number of bushels of potatoes and the number of tons of hay the preceding year; the number of acres planted with the following varieties of trees: peach, pear, apple, plum, cherry; the number of acres planted with grape vines, with raspberry canes, strawberry plants, currant and gooseberry bushes; and the number of acres planted with melons and with garden vegetables, and the quantity of each of the following articles produced during each of the two preceding years: apples, peaches, pears, plums, cherries, grapes, strawberries, currants, gooseberries, melons and garden vegetables, and the value thereof as nearly as it can be ascertained; the number of sheep, and the number of pounds of wool sheared the preceding year; and the number of sheep and the number of swine over six months old; and the number of pounds of pork marketed; the number of neat cattle (other than oxen and cows) one year old and over; the number of horses one year old and over; the number of mules; the number of work oxen and the number of milch cows; the number of pounds of butter and cheese made the preceding year; the number of pounds of sugar manufactured the present year; the number of pounds of fruit dried for market; the number of cans of fruit and vegetables canned for market during the preceding year; the number of cans of pickles manufactured for market; the number of pounds of peppermint oil manufactured the preceding year; the number of flouring mills, and the number of runs of stone in each; the number of barrels of flour made by each the preceding year; and the number of oil mills, and the number of gallons of oil made the preceding year; the number of brew-

Statistics to  
be collected.

Idem.

eries, and the number of barrels of beer made the preceding year; the number of distilleries, and the number of gallons of liquor made the preceding year; the number of gallons of wine made the preceding year; and the number of barrels of cider made the preceding year; and the number of barrels of fish caught the preceding year, and the amount of capital invested; the number of saw mills, and the number of feet of lumber sawed by each the preceding year and the amount of capital invested; the number and kind of all manufactories, the number of persons employed in each, the amount of capital invested and the value of the products for the past year, designating the number of said mills and factories operated by steam and the number by water power; the number of mines worked, the amount of capital invested, and the number of men employed, specifying the kind of mineral, the aggregate quantity in pounds, and its valuation at the place of mining; the amount of capital invested and the number of men employed; and the value of all the merchandise imported the preceding year for the purpose of sale.

Compensation of supervisors and assessors.

(799.) SEC. 8. The supervisor of each township and ward, and the assessor of each assessment district, shall be allowed, in addition to the sum allowed by law for taking the assessment of his township, ward, or assessment district, two dollars for every one hundred persons by him returned, if the number shall exceed one thousand and five hundred; and two dollars and fifty cents per hundred for any number less; and ten cents per mile for conveying the returns to the county clerk's office, which shall be in full for all services performed under the provisions of this act; and the sum due each supervisor and assessor for services, shall be calculated at the rate aforesaid by the county clerk to which the proper returns are made, and his certificate of the amount due shall be paid by the treasurer of said county: *Provided*, That before a supervisor or assessor shall be entitled to receive any compensation, he shall attach a certificate to each copy of said returns, signed by him, in the following form, to wit: "I do hereby certify that the census

Proviso.

and statistics set forth in the schedule hereunto annexed, has <sup>Form of certificate to</sup> been consolidated and arranged from enumeration and statisti-<sup>returns.</sup> cal lists, made by actual inquiry at the dwelling, or personal inquiry of the head of every family, or of a competent person acquainted with the facts, by myself, in the township of \_\_\_\_\_, or ward number \_\_\_\_\_, in the city of \_\_\_\_\_, or assessment district in the city of \_\_\_\_\_ (as the case may be), and that the said schedule has been made in every respect in conformity with the act for taking the census and statistics for the year eighteen hundred and fifty-four, and every tenth year thereafter, and the amendments thereto, and is correct and true, according to the best of my knowledge and belief."

(800.) SEC. 9. The Secretary of State shall condense, in a <sup>Report by Secretary of State.</sup> tabular form, the census and statistical returns made to him, and, as soon as may be, cause three thousand copies to be pub-<sup>Distribution thereof.</sup> lished in pamphlet form, and transmit four copies to each organized township in the State one for the use of the supervisor, one for the use of the township clerk, and two to be deposited in the township library; and twenty-five copies to the mayor of the city of Detroit, and ten copies to the mayor of any other city in the State, for the use of the several city libraries, and one copy to each of the members of the legislature and its officers: *Provided*, That in counties having less <sup>Proviso.</sup> than five thousand inhabitants, the supervisor in each town shall be entitled to three dollars for taking the census and statistics in his town extra.

Approved April 17, 1873.

[ No. 102. ]

AN ACT making appropriations for the expenses of the State officers and State government, and providing a tax to defray the same for the years eighteen hundred and seventy-three and eighteen hundred and seventy-four.

SECTION 1. *The People of the State of Michigan enact*, That <sup>Appropriation.</sup> there shall be levied upon the aggregate of the taxable real and

personal estate of the State, in the year eighteen hundred and seventy-three the sum of three hundred thousand dollars, and in the year eighteen hundred and seventy-four the sum of three hundred thousand dollars, and the same is hereby appropriated for the payment of the salaries of the State officers and other expenses of the State government, and the interest upon the State debt not otherwise provided for.

Provision to  
meet appro-  
priation.

SEC. 2. The Auditor General shall apportion each year the amounts herein directed to be levied, among the several counties in this State, as provided by law for the apportionment of State taxes.

SEC. 3. This act shall take immediate effect.

Approved April 17, 1873.

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[ No. 103. ]

AN ACT to amend section two and section six of an act entitled "An act to provide for the inspection of illuminating oils manufactured from petroleum or coal oils," approved April third, eighteen hundred and sixty-nine, being sections one thousand five hundred and two and one thousand five hundred and six of the compiled laws of eighteen hundred and seventy-one.

Sections  
amended.

SECTION 1. *The People of the State of Michigan enact*, That sections two and six of an act entitled "An act to provide for the inspection of illuminating oils manufactured from petroleum or coal oils," approved April third, eighteen hundred and sixty-nine, being sections one thousand five hundred and two and one thousand five hundred and six, compiled laws of eighteen hundred and seventy-one, be amended so as to read as follows:

Inspector to  
provide  
necessary  
apparatus.

SEC. 2. It shall be the duty of the inspector to provide himself, at his own expense, with the necessary instruments and apparatus for testing the quality of said illuminating oils; and when called upon for that purpose, to promptly inspect all oils hereinbefore mentioned, and to report as dangerous all

oils which at the temperature of one hundred and fifty degrees of Fahrenheit's thermometer, will emit an explosive gas or take fire on applying thereto or plunging therein a well-lighted match: *Provided*, The quantity of oil used in this test shall not be less than half a pint; and it shall be the duty of said inspector to designate by his brand the temperature at which said oil will ignite.

[SEC. 2. A new section shall be added to said act to stand as section six, as follows:]

SEC. 6. The term of office of an inspector shall be for three years, and every inspector or deputy inspector shall, upon the requisition of any manufacturer, dealer, or vender of the oils herein mentioned, proceed without unnecessary delay to the inspection thereof; and said inspector or deputy inspector shall be entitled to demand and receive from the owner or party calling on him, the sum of ten cents for each and every package, barrel, or cask inspected and branded by him; and it shall by [be] the duty of every inspector or deputy inspector to keep a true and accurate record of all oils so inspected and branded by him, which record shall state the date of inspection, the number of gallons or barrels, and the name of the person for whom inspected, and the record shall be open to the inspection of any and all persons interested. And it shall be the duty of every deputy inspector, within one week after the inspection by him of any oils hereinbefore mentioned, to make a true and accurate return thereof to his principal.

Approved April 17, 1873.

[ No. 104. ]

AN ACT to amend an act entitled "An act to provide for the draining of swamps, marshes, and other low lands," approved March twenty-two, eighteen hundred and sixty-nine, by adding two new sections thereto, to be known as sections thirty-four and thirty-five.

SECTION 1. *The People of the State of Michigan enact*, That an act entitled "An act to provide for the draining of swamps,

marshes, and other low lands," approved March twenty-second, eighteen hundred and sixty-nine, be and the same is hereby amended by adding thereto two new sections, to be known as sections thirty-four and thirty-five, as follows:

Disposition  
of books,  
papers, etc.,  
in case of  
failure of  
supervisors  
to fill va-  
cancy.

Duty of  
county clerk  
in relation  
thereto.

Proviso.

Duty of  
township  
drain com-  
missioner to  
complete  
ditches.

SEC. 34. In case the office of county drain commissioner of any county shall have become or at any time hereafter may become vacant, and the board of supervisors shall refuse or neglect, for the space of thirty days, to appoint some person to fill such vacancy, then, after the expiration of said thirty days, it shall be the duty of the clerk of said board of supervisors, and he is hereby authorized and directed to take possession of the books, papers, maps, contracts, and all other things belonging and pertaining to said office, and as soon as convenient thereafter, turn over all papers, maps, contracts, and other things relating to any ditch or ditches, in any township in said county, to the township drain commissioner of said township: *Provided*, That where a ditch is located in two or more townships, then the said clerk to turn over the papers relating thereto to the township drain commissioner of the township where the greater portion of said ditch is located.

SEC. 35. Whenever any papers, maps, contracts, or other things relating to any ditch or ditches in any township shall come into possession of the township drain commissioner of such township, as provided in section thirty-four, it shall then be the duty of such township drain commissioner, and he is hereby authorized and directed to do whatever may be necessary to complete said ditch or ditches, the same as the county drain commissioner could have legally done had he remained in office, including the drawing of warrants on the county treasurer, as provided in section seventeen of this act, the same to be countersigned as therein provided.

SEC. 2. This act shall take immediate effect.

Approved April 17, 1873.



the Auditor General's office, or a properly certified transcript thereof, shall be received in all courts of this State as *prima facie* evidence of the above matters, and also of the filing of said copy in the Auditor General's office. If any person or persons shall sell any lot or lots within any such town, city, village, or addition, before the map or plat thereof shall be recorded and the copy of the record thereof filed as aforesaid, he or they shall forfeit and pay the sum of ten dollars for each lot so sold. For all services by this act required to be performed by a register of deeds in respect to any such map or plat brought into his office for record, the said register shall be entitled to receive the sum of two dollars, which shall be paid by the proprietor of the ground platted.

Forfeiture  
for selling  
before re-  
cording.

Fees of reg-  
ister.

SEC. 2. This act shall take immediate effect.

Approved April 17, 1873.

[ No. 109. ]

AN ACT to provide for the collection of statistical information of the insane, deaf, dumb, and blind in this State, and to repeal a joint resolution relative to statistical information of the insane, deaf, dumb, and blind, approved April three, eighteen hundred and forty-eight, being section one thousand eight hundred and eighty-three, chapter fifty-two, compiled laws of eighteen hundred and seventy-one.

SECTION 1. *The People of the State of Michigan enact*, That it shall be the duty of the supervisor or assessor of each township and ward in this State, at the time of making his general assessment and assessment-roll for his township or ward in each year, to ascertain and set down in a blank prepared for that purpose, the names of all insane, deaf, dumb, and blind persons in his township or ward, showing the person's age, general health, habits, and occupation; the kind, degree, and duration of such affliction; the sex; whether married or single; whether under medical treatment; the pecuniary abil-

Supervisors  
or assessors  
to collect  
statistics  
relative to  
the insane,  
deaf, dumb,  
and blind.

drainage of swamp lands by actual settlers," approved February fifteen, eighteen hundred and fifty-nine, being section three thousand nine hundred and eighty-one of the compiled laws of eighteen hundred and seventy-one, be amended so as to read as follows :

License of  
settlement.

Settler to  
occupy land  
within three  
months.

Not to cut  
valuable  
timber.

Penalty for  
violating  
conditions.

Proviso.

SEC. 4. And it is further provided, that the license for settlement granted under this act shall contain a clause which shall expressly provide that the settler or occupant shall, within three months after the date of said license, file with the Commissioner of the Land Office a certificate from the supervisor of the township in which the land is located, together with the affidavit of such settler, that he is in the actual possession and occupancy of such land ; and said license shall also contain a clause providing that the settler or occupant shall not be authorized to cut, take and carry away any pine, oak, or other valuable timber, unless it be to clear the land for cultivation, and then only as much as may be necessary to improve the same ; and for a violation of the aforesaid conditions, he or they shall be liable to all the forfeitures, penalties, and liabilities of a trespasser upon State lands, as now is or may hereafter be provided by law ; and it is further provided, that if such settler shall not file his certificate and oath of settlement and occupancy, as above provided, or if evidence of two witnesses, under oath, is furnished to the Commissioner of the State Land Office, that the clause above mentioned, to prevent waste of said land, has been violated, then his claim shall be deemed forfeited, and the Commissioner of the State Land Office shall, from and after said time, sell said lands the same as other forfeited swamp lands, and this provision shall be inserted in the license for said lands: *Provided*, It shall appear from the affidavit of the supervisor or two responsible residents of the township in which such lands are situate, that such settler has abandoned said land and is not in the actual possession and occupancy thereof as contemplated by this section.

Approved April 17, 1873.

[ No. 110. ]

AN ACT to amend sections one and six of an act entitled "An act to authorize the formation of gas-light companies," approved February twelfth, eighteen hundred and fifty-five, and to add a new section thereto, to stand as section fourteen.

SECTION 1. *The People of the State of Michigan enact, That* <sup>Sections amended.</sup> sections one and six of an act entitled "An act to authorize the formation of gas-light companies," approved February twelve, eighteen hundred and fifty-five, be amended so as to read as follows:

SEC. 1. All corporations organized and established under <sup>Corporate powers.</sup> the provisions of this act, shall be capable of suing and being sued in any court in this State, and may have a common seal, and may alter and amend the same at pleasure; may elect by ballot a president and such number of directors as they may desire, but not less than three directors, at the legal meetings as hereinafter provided, and all other necessary officers; may fix their compensation and determine their duties, and make from time to time such by-laws (not inconsistent with the laws and constitution of this State) as a majority of the stockholders may direct at any regular meeting.

SEC. 6. The amount of capital stock in every such corpora- <sup>Capital stock.</sup> tion shall be fixed by the stockholders in their articles of association, but shall in no case be less than ten thousand dollars, nor more than five hundred thousand dollars, except where such corporation exists in a city of over fifty thousand inhabitants, in which case the capital stock of such corporation shall not exceed one million dollars; said stock may be increased from time to time, as may be directed by the stockholders, subject to the foregoing restriction; and when the same is so increased, the same record shall be made of the fact with the name of the stockholders as required by section four of this act, and all the stock of said company shall be divided into shares of fifty dollars each.

[ No. 108. ]

AN ACT to amend section one of an act entitled "An act to provide for the recording of town plats, and for vacating the same in certain cases," approved April nineteen, eighteen hundred and thirty-nine, being section one thousand three hundred and forty-four, chapter thirty-two of the compiled laws of eighteen hundred and seventy-one.

Section  
amended.

SECTION 1. *The People of the State of Michigan enact*, That section one of an act entitled "An act to provide for the recording of town plats and for vacating the same in certain cases," approved April nineteen, eighteen hundred and thirty-nine, being section one thousand three hundred and forty-four, chapter thirty-two of the compiled laws of eighteen hundred and seventy-one, be and the same is so amended as to read as follows:

Plats of  
additions to  
towns, etc.

(1344.) SEC. 1. Whenever any town, city, village, or addition thereto, shall be laid out within this State, the proprietor or proprietors thereof shall cause a true map or plat thereof to be made by a civil engineer, surveyor, or other competent person.

Scale.

Such map or plat shall in every case be made on a scale not less than two hundred feet to an inch, on sheets of good muslin-backed paper, eighteen inches by twenty-four inches in size.

Detailed  
description.

There shall be written upon the paper on which said map or plat shall be made a full and detailed description of the land embraced in said map or plat, showing the township and range in which such land is situated, and the sections and parts of sections platted, and containing the name of the town, city, village, or addition platted, the name or names of the proprietor or proprietors thereof, and of the engineer, surveyor, or person making said map or plat, with the date. The same

By whom,  
and how  
executed.

shall be signed by such proprietor or proprietors and engineer, surveyor, or person making the same, and shall be witnessed and acknowledged as deeds conveying land are required to be

Sections,  
how design-  
ated.

witnessed and acknowledged. The sections and parts of sections platted shall also be designated by lines drawn upon said map or plat, with appropriate letters and figures. There shall

also be on such map or plat a plain designation of the cardinal points, and a correct scale. Such map or plat shall be recorded in the office of the register of deeds for the county in which the land platted is situated. For the purpose of such recording the said proprietor or proprietors shall cause to be made by a civil engineer, surveyor, or other competent person, on the same scale and on paper of the same size and quality as that on which the map or plat is required to be made, an exact duplicate of said map or plat, with the detailed description, and signed, witnessed, and acknowledged as above specified. The said map or plat and said duplicate shall be delivered to the register of deeds of said county, who shall carefully examine said map or plat, and if he find that in any respect it fails to conform to the requirements of this act, he shall point out the deficiency to the person delivering it to him, and return it to such person for correction. When such map or plat shall conform, or shall be made to conform, in all respects, to the requirements of this act, the said register and said engineer, surveyor, or person who made the same, shall carefully compare said duplicate with said map or plat, and if correct, or when made correct, it shall be certified by the said register and said engineer, surveyor, or person who made the same, who shall certify that they have carefully compared the same with said map or plat (describing it), and that it is an exact duplicate thereof and of the whole of such map or plat. The said register shall then securely fasten the said duplicate in a book of the proper size for such paper, so that it shall not be folded, which book shall be strongly bound in leather, and provided at the expense of the said county, and such duplicate, so fastened in said book, shall be held and taken to be a record of the said map or plat, with like effect as if the said map or plat had been actually transcribed by said register in a book in his office. But in no case shall any such map or plat be recorded until it shall be made to conform to all the requirements of this act, nor until such duplicate shall be

Cardinal points and scale.

To be recorded.

Duplicate to be made for purpose of recording.

Register of deeds to examine.

Duplicate to be compared and certified to.

Register to fasten duplicate in book as the record

Plat and duplicate must be made to conform to act.

Penalty for violating provisions of act by register.

made an exact duplicate of said map or plat; and for any willful violation of this provision by a register of deeds, he shall be liable to a penalty of ten dollars, and shall also be liable to pay all damages which any person may sustain by reason thereof, to be recovered in an action of trespass on the case.

Register to certify on plats time of recording.

To note on record when made, and keep an index of plats.

The register shall certify on such map or plat the time when it was recorded as aforesaid, with a reference to the book or page where recorded. He shall note on the record the time when made, and shall keep a separate index of maps or plats, in which he shall enter, alphabetically, the name of every town, city, village, or addition, the map or plat of which shall be recorded by him, with a reference to the book and page where the same shall be recorded. There shall be made a true

Certified copy to be made and delivered to Auditor General.

copy of the record of such map or plat, on paper of the same quality and size as above prescribed, and on the same scale, which copy shall be certified by the said register and engineer, surveyor, or person making the same, who shall certify that they have carefully compared the same with the record, and that it is a true transcript therefrom and of the whole of such record. Such copy, so certified, shall then be delivered to the Auditor General of this State, who shall file the same in his office. The Auditor General shall keep an index, in which he shall enter, alphabetically, the name of every town, city, village, and addition, a copy of the record of the map or plat of which shall be filed in his office, the date of filing the same, and whatever else he may think necessary to facilitate reference thereto. On delivering such copy to the Auditor General, the person delivering it shall pay into the State treasury to the credit of the general fund, the sum of one

Auditor General to keep an index.

Fee to the State.

Plat or copy of record evidence in courts.

dollar. The original map or plat, with the certificate of record indorsed thereon, the record thereof, made as aforesaid, or a properly certified transcript of such record, shall be received in all courts of this State as *prima facie* evidence of the making and recording of such map or plat in conformity with the provisions of this act; and the copy of such record filed in

the Auditor General's office, or a properly certified transcript thereof, shall be received in all courts of this State as *prima facie* evidence of the above matters, and also of the filing of said copy in the Auditor General's office. If any person or persons shall sell any lot or lots within any such town, city, village, or addition, before the map or plat thereof shall be recorded and the copy of the record thereof filed as aforesaid, he or they shall forfeit and pay the sum of ten dollars for each lot so sold. For all services by this act required to be performed by a register of deeds in respect to any such map or plat brought into his office for record, the said register shall be entitled to receive the sum of two dollars, which shall be paid by the proprietor of the ground platted.

Forfeiture  
for selling  
before re-  
cording.

Fees of reg-  
ister.

SEC. 2. This act shall take immediate effect.

Approved April 17, 1873.

[ No. 109. ]

AN ACT to provide for the collection of statistical information of the insane, deaf, dumb, and blind in this State, and to repeal a joint resolution relative to statistical information of the insane, deaf, dumb, and blind, approved April three, eighteen hundred and forty-eight, being section one thousand eight hundred and eighty-three, chapter fifty-two, compiled laws of eighteen hundred and seventy-one.

SECTION 1. *The People of the State of Michigan enact, That* it shall be the duty of the supervisor or assessor of each township and ward in this State, at the time of making his general assessment and assessment-roll for his township or ward in each year, to ascertain and set down in a blank prepared for that purpose, the names of all insane, deaf, dumb, and blind persons in his township or ward, showing the person's age, general health, habits, and occupation; the kind, degree, and duration of such affliction; the sex; whether married or single; whether under medical treatment; the pecuniary abil-

Supervisors  
or assessors  
to collect  
statistics  
relative to  
the insane,  
deaf, dumb,  
and blind.

ity of the person thus afflicted, and of the relatives of such person liable for his or her support, and such further information relative to these classes of persons as may be thought useful. Such supervisor or assessor shall deliver said blank to the county clerk of his county on or before the first day of the annual October meeting of the board of supervisors of said county for the same year. The clerk shall lay before the said board of supervisors at their said annual meeting, all such blanks received by him during the preceding year, and under the supervision of said board he shall carefully condense the facts therein contained, and transmit the same to the Secretary of State, on or before the first day of November in each year; and the Secretary of State shall report the same to the Legislature at the commencement of its next session.

Blanks containing statistics to be delivered to county clerk

Clerk to condense and forward to Secretary of State.

Secretary of State to report same to Legislature.

Secretary of State and county clerks to distribute this act and blank returns.

SEC. 2. The Secretary of State shall, as soon as practicable after the passage of this act, transmit to each county clerk of this State, a sufficient number of copies of this act to furnish each supervisor or assessor of his county with one; also a sufficient number of blanks to be prepared by him, to be used in carrying out the provisions of this act. The county clerk of each county shall, on receiving the same, immediately distribute said copies and blanks to the supervisors or assessors of his county. The secretary shall each year thereafter, before the first day of April, transmit to each county clerk a sufficient number of blanks, to be distributed by such clerk to the supervisors or assessors of his county, to be used in carrying out the provisions of this act.

Joint resolution repealed.

SEC. 3. That joint resolution relative to statistical information of the insane, deaf, dumb, and blind, approved April three, eighteen hundred and forty-eight, being compiler's section one thousand eight hundred and eighty-three, chapter fifty-two of the compiled laws of eighteen hundred and seventy-one, be and the same is hereby repealed.

SEC. 4. This act shall take immediate effect.

Approved April 17, 1873.



[ No. 110. ]

AN ACT to amend sections one and six of an act entitled "An act to authorize the formation of gas-light companies," approved February twelfth, eighteen hundred and fifty-five, and to add a new section thereto, to stand as section fourteen.

SECTION 1. *The People of the State of Michigan enact, That* <sup>Sections amended.</sup> sections one and six of an act entitled "An act to authorize the formation of gas-light companies," approved February twelve, eighteen hundred and fifty-five, be amended so as to read as follows:

SEC. 1. All corporations organized and established under <sup>Corporate powers.</sup> the provisions of this act, shall be capable of suing and being sued in any court in this State, and may have a common seal, and may alter and amend the same at pleasure; may elect by ballot a president and such number of directors as they may desire, but not less than three directors, at the legal meetings as hereinafter provided, and all other necessary officers; may fix their compensation and determine their duties, and make from time to time such by-laws (not inconsistent with the laws and constitution of this State) as a majority of the stockholders may direct at any regular meeting.

SEC. 6. The amount of capital stock in every such corpora- <sup>Capital stock.</sup> tion shall be fixed by the stockholders in their articles of association, but shall in no case be less than ten thousand dollars, nor more than five hundred thousand dollars, except where such corporation exists in a city of over fifty thousand inhabitants, in which case the capital stock of such corporation shall not exceed one million dollars; said stock may be increased from time to time, as may be directed by the stockholders, subject to the foregoing restriction; and when the same is so increased, the same record shall be made of the fact with the name of the stockholders as required by section four of this act, and all the stock of said company shall be divided into shares of fifty dollars each.

Section  
added.

SEC. 2. That the following section shall be added to said act, and shall be numbered as section fourteen of said act:

Amendment  
of articles.

SEC. 14. Any corporation organized under this act may amend its articles of incorporation so as to increase its capital to the amount authorized by this act and increase its number of directors at any regular or special meeting of stockholders, upon a vote of two-thirds in amount of such stockholders, and thereupon articles amendatory of such original articles shall be prepared and signed by the president and secretary of such corporation, who shall both acknowledge the same before some person authorized to take the acknowledgment of deeds; and such amendatory articles shall be filed and recorded in the same manner provided for recording original articles in section four of this act.

SEC. 3. This act shall take immediate effect.

Approved April 17, 1873.

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[ No. 111. ]

AN ACT to provide for the education of certain poor persons in the "Michigan Institution for educating the Deaf and Dumb, and the Blind."

Duty of  
superintend-  
ents of the  
poor.

SECTION 1. *The People of the State of Michigan enact*, That the superintendents of the poor in each of the counties of this State in which there are, or shall be hereafter, any person or persons between the ages of ten years and twenty years, who shall possess a good natural intellect and a good moral character, and shall have no contagious disease, who shall be deaf and dumb, or blind, or partially deaf and dumb, or blind, and who shall be or shall become chargeable to said county, or to any township therein, shall cause any and all such persons to be taken to the "Michigan Institution for the education of the Deaf and Dumb, and the Blind," at the city of Flint, to be there educated as pupils in said Institution in accordance with the rules and regulations thereof.

SEC. 2. Such superintendents of the poor shall, in every case, <sup>Provision relative to</sup> before taking or sending any person to said institution, as pro- <sup>clothing, etc.</sup> vided in section one of this act, see that such person is in a state of perfect bodily cleanliness, and comfortably and decently clothed and provided with suitable changes of raiment; and they shall thereafter, during the years that such person shall continue a pupil in said institution, furnish him or her with such clothing and other articles of necessity and convenience as are, or may be by the rules and regulations of said institution, required to be furnished for pupils therein; and shall provide for the payment of the necessary traveling and other expenses of such person in going to and from said institution, and while remaining there; and if they shall allow such person to remain at said institution during the yearly vacation, they shall pay for his board during such vacation.

SEC. 3. The expenses incurred by the superintendents of the <sup>Expenses, how paid.</sup> poor of any county; in carrying out the provisions of this act, shall be paid as other necessary expenses incurred by them in the discharge of their official duties are by law required to be paid.

SEC. 4. The Secretary of State shall, as soon as practicable <sup>Distribution of copies of this act.</sup> after the passage of this act, transmit four copies thereof to each of the county clerks of this State, each of whom shall file and preserve one of said copies in his office, and shall, immediately after the receipt thereof, deliver one of said copies to each of the superintendents of the poor of his county.

SEC. 5. If any of the officers herein named shall refuse or neglect to perform any of the duties required of him by this <sup>Penalty for non-performance of duty.</sup> act, he shall, for every such neglect or refusal, be deemed guilty of a misdemeanor, and on conviction thereof shall be fined a sum not exceeding one hundred dollars.

SEC. 6. This act shall take immediate effect.

Approved April 17, 1873.

[ No. 112. ]

AN ACT authorizing the Board of Control of the State Public School to purchase additional land for the use of the State Public School.

Appropri-  
ation for the  
purchase of  
land.

SECTION 1. *The People of the State of Michigan enact*, That there shall be and is hereby appropriated out of the State Treasury, the sum of five thousand dollars, or so much thereof as is necessary to enable the Board of Control of the State Public School to purchase fifteen acres of land adjoining and contiguous to the site of the State Public School, the title to which shall be held by the State until otherwise directed, for the benefit of the State Public School.

Deed.

Payment.

Reimburse-  
ment raised  
by tax.

SEC. 2. The deeds for such land shall be duly executed to the people of this State and delivered to the Secretary of State, and the State Treasurer thereupon is hereby directed to pay, on the warrant of the Auditor General, to such grantor or grantors of whom such land shall be purchased, in case of the purchase of the same, such sums of money as may be required to pay for said land; which sums of money the Auditor General shall add to and incorporate in the State tax for the year eighteen hundred and seventy-three (1873), and when collected shall be paid into the treasury to reimburse the same for the amount to be drawn therefrom as provided in this act.

SEC. 3. This act shall take immediate effect.

Approved April 17, 1873.

[ No. 113. ]

AN ACT to amend section one of chapter thirty-nine of revised statutes of eighteen hundred and forty-six, being section one thousand nine hundred and sixty, chapter fifty-three of the compiled laws of eighteen hundred and seventy-one, relative to disorderly persons.

Section  
amended.

SECTION 1. *The People of the State of Michigan enact*, That section one, chapter thirty-nine of the revised statutes of eighteen hundred and forty-six, being section one thousand

nine hundred and sixty, chapter fifty-three of the compiled laws of eighteen hundred and seventy-one, relating to disorderly persons, be and the same is hereby amended so as to read as follows :

(1960.) SEC. 1. All persons who do run away, or threaten to run away, who, being of sufficient ability, refuse or neglect to support their families, or leave their wives or children a burden on the public ; all persons pretending to tell fortunes, or where or with whom lost or stolen goods may be found ; all common prostitutes, all keepers of bawdy houses, or houses for the resort of prostitutes ; all drunkards, tipplers, gamesters, all persons knowingly selling or giving intoxicating liquors to drunkards and tipplers, or other disorderly persons ; all persons who have no visible calling or business to maintain themselves by, or who do for the most part support themselves by gaming ; all jugglers, common showmen, and mountebanks, who exhibit or perform for profits, any puppet-show, wire or rope dancing, or other idle shows, acts, or feats ; all persons who keep in any highway, or in any public place, any gaming table, wheel of fortune, box, machine, instrument, or device, for the purpose of gaming ; all persons who go about with such table, wheel of fortune, box, machine, instrument, or device, exhibiting tricks, or gaming therewith ; all persons who play in the public streets or highways, with cards, dice, or any instrument or device for gaming ; and all vagrants, shall be deemed disorderly persons : *Provided*, That persons complained of as being disorderly, under the provisions of this act, shall be entitled to a jury trial, as provided in cases of misdemeanor.

What persons deemed disorderly.

Proviso relative to trial.

Approved April 18, 1873.

[ No. 114. ]

AN ACT to provide for the removal of attachments, the same being a new section to chapter two hundred and one (201) of the compiled laws of eighteen hundred and seventy-one, being an act relative to "Proceedings against debtors by attachment," to stand as section thirty-two.

When attachment shall be discharged upon the record.

SECTION 1. *The People of the State of Michigan enact*, That any attachment on real estate shall also be discharged upon the record thereof by the register of deeds in whose custody it shall be, whenever there shall be presented to him a certificate executed by the plaintiff, his personal representatives or assigns, duly acknowledged, specifying that such attachment has been removed or otherwise satisfied or discharged; or upon the presentation to such register of deeds of the certificate of the circuit court for the county, signed by the county clerk of said court and under seal thereof, certifying that it has been made to appear to said court that said attachment has been duly removed or otherwise settled.

SEC. 2. This act shall take immediate effect.

Approved April 18, 1873.

[ No. 115. ]

AN ACT to amend section one of an act entitled "An act to create a Soldiers' Aid Fund for disabled Michigan soldiers, sailors, and marines, and Michigan men who have served in the late war in other State organizations, or in the forces of the United States," the same being section nine hundred and sixty, chapter twenty of the compiled laws of eighteen hundred and seventy-one.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section one of an act entitled "An act to create a Soldiers' Aid Fund for disabled Michigan soldiers, sailors, and marines, and Michigan men who served in the late war in other State organizations, or in the forces of the United States," the same being section nine hundred and sixty, chapter twenty of the

compiled laws of eighteen hundred and seventy-one, be and the same is hereby amended so as to read as follows:

(960.) SEC. 1. That an amount not exceeding five thousand <sup>Appropriation.</sup> dollars per annum be and the same is hereby appropriated from the military fund, to be set apart and denominated the "Soldiers' Aid Fund," for the support and care of infirm, <sup>Name and purpose of fund.</sup> maimed, and needy Michigan soldiers, sailors, and marines, and Michigan men who enlisted from this State in other State volunteer forces, or the United States service, and were residents of this State at the time when said service was rendered; said assistance to be rendered at the Harper Hospital, in the <sup>Where assistance to be rendered.</sup> city of Detroit and elsewhere, and to otherwise aid them; and also to assist, temporarily, destitute discharged soldiers, sailors, <sup>Soldiers of other States may be temporarily aided.</sup> and marines of other States, in the discretion of the State Military Board.

SEC. 2. This act shall take immediate effect.

Approved April 18, 1873.

[ No. 116. ]

AN ACT to amend sections seven, eight, nine, ten, thirty, thirty-one, thirty-eight, thirty-nine, forty-two, sixty-four, seventy and ninety-five, and to repeal section fifty of an act entitled "An act for the re-organization of the military forces of the State of Michigan," approved January eighteen, eighteen hundred and sixty-two, being sections eight hundred and thirty-four, eight hundred and thirty-five, eight hundred and thirty-six, eight hundred and thirty-seven, eight hundred and fifty-seven, eight hundred and fifty-eight, eight hundred and sixty-five, eight hundred and sixty-six, eight hundred and sixty-nine, eight hundred and seventy-seven, eight hundred and ninety-one, eight hundred and ninety-seven, and nine hundred and twenty-two, chapter eighteen, of the compiled laws of eighteen hundred and seventy-one, and to add new sections thereto.

SECTION 1. *The People of the State of Michigan enact, That* <sup>Section amended.</sup> sections seven, eight, nine, ten, thirty, thirty-one, thirty-eight, thirty-nine, forty-two, sixty-four, seventy, and ninety-five, of

"An act for the re-organization of the military forces of the State of Michigan," approved January eighteen, eighteen hundred and sixty-two, the same being sections eight hundred and thirty-four, eight hundred and thirty-five, eight hundred and thirty-six, eight hundred and thirty-seven, eight hundred and fifty-seven, eight hundred and fifty-eight, eight hundred and sixty-five, eight hundred and sixty-six, eight hundred and sixty-nine, eight hundred and ninety-one, eight hundred and ninety-seven, and nine hundred and twenty-two, chapter eighteen, of the compiled laws of eighteen hundred and seventy-one, be and the same are hereby amended so as to read as follows:

**State troops.** (834.) SEC. 7. The State troops shall be composed of not exceeding twelve companies of infantry prior to the first day of January, eighteen hundred and seventy-four, and the number of companies may be increased at the rate of four companies in each year thereafter, until the full number of twenty-four companies shall be reached; beyond which, in time of peace, there shall be no increase.

**Regiments.** (835.) SEC. 8. Each regiment shall consist of one colonel, one lieutenant colonel, one major, one surgeon, one assistant surgeon, one chaplain, one adjutant, one quartermaster, one sergeant major, one quartermaster sergeant, and not less than eight nor more than ten companies; each of which compa-

**Companies.** nies of infantry shall consist of one captain, one first lieutenant, one second lieutenant, five sergeants, eight corporals, and not less than thirty-two nor more than seventy privates.

**Number of officers, etc.** (836.) SEC. 9. The maximum number of commissioned officers, non-commissioned officers, musicians, farriers, artificers, wagoners, and privates of said companies of cavalry, mounted riflemen, and light artillery respectively, and the rank of said officers, shall be the same as that now or hereafter established by the war department, or the Congress of the United States, for the arms of the service to which such companies severally belong. The minimum number of said com-



panies shall be such as the Commander-in-chief, by the advice of the State Military Board, may establish. In case of actual or threatened war, invasion, insurrection, or rebellion, additional companies or regiments of infantry, cavalry, mounted riflemen, artillery, and corps of engineers, may be authorized by the Commander-in-chief, and organized and paid in the same manner as similar organizations existing at the time in the army of the United States.

(837.) SEC. 10. There shall be one major general, with three aids-de-camp, for each division organized by the Commander-in-chief, and one brigadier general, with two aids-de-camp, for each brigade so organized. Major and brigadier generals.

(857.) SEC. 30. The Commander-in-chief may divide the State into regimental or battalion districts. The division shall be in such a manner as to give all portions of the State, so far as practicable, a just proportion of the whole number of companies permitted by this act. Regimental districts.

(858.) SEC. 31. There shall be a State Military Board, consisting of the Inspector General *ex-officio*, and two other persons, to be appointed by the Commander-in-chief, who shall hold their office for two years, or until their successors are appointed, unless sooner removed for misconduct. The State Military Board, in addition to the duties already prescribed, shall constitute an advisory body to the Commander-in-chief on all the military interests of the State; they shall inspect and report to the Commander-in-chief on all estimates and accounts of and for the State troops, and audit all claims and accounts of a military character against the State; and no contract on behalf of this State, exceeding an expenditure of two hundred dollars for military purposes authorized by this act, shall be valid as against the State, until the same shall be approved by said board. Whenever necessary in the performance of their duties, any one of them shall have power to administer oaths. They are hereby further authorized and empowered to prepare and promulgate all articles, rules, and State Military Board, term of. Duties of. May administer oaths.

**May promulgate rules for government of State troops.** regulations, for the government of the State troops, not inconsistent with the laws of the United States or of this State; and which articles, rules, and regulations, when approved by the Commander-in-chief, shall be in force, and by him be filed in the office of the Secretary of State. The compensation of the two members of the board to be appointed by the Governor shall be three dollars per day while in actual attendance at meetings of the board, and five cents a mile in going to and from the place of meeting by the direct and usually traveled route. Payment for such services and expenses shall be made by the Quartermaster General upon the certificate of the Commander-in-chief.

**Application for organization of companies.** (865.) SEC. 38. Whenever forty-eight or more men within the same regimental district shall associate together for the purpose of forming a company of State troops, they may apply to the Commander-in-chief through the Adjutant General to be organized as such, and shall designate the persons for commissioned officers.

**When companies may be organized** (866.) SEC. 39. On receiving such application, the Commander-in-chief may so organize such company and commission such officers, upon the certificate of the Inspector General that such company have complied with the provisions of this act: *Provided*, The number of companies then organized and existing shall not equal the limitations prescribed in section seven of this act, nor such limitation as may be prescribed for the district from which such application comes.

**Returns of commandants.** (869.) SEC. 42. Commandants of companies shall make quarterly returns to the Adjutant General, and to the commanding officer of the regiment to which they are attached. Regimental commanders shall make semi-annual returns to the Adjutant General, and to their brigade commander. Brigade commanders shall make annual returns to the Adjutant General, and to their division commander. And division commanders shall make annual returns to the Adjutant General,

such returns to be in conformity to rules prescribed by the State Military Board.

(891.) SEC. 64. Every volunteer company which shall not, at any annual rendezvous or encampment, have at least thirty-two privates, mounted or armed, uniformed and equipped as the law directs or regulations prescribe, shall be immediately reported by the Inspector General or by one of his assistants, to the Adjutant General. If such number of privates shall not appear, the Inspector General shall require proof that there are privates belonging to such company, properly mounted or armed and equipped, sufficient to complete the whole number of thirty-two; and the company so discovered to be deficient in numbers, shall be disbanded by the Commander-in-chief, in orders, unless he shall have reason to believe that such company will have the number required at the next succeeding inspection and review; and if such company shall at the next succeeding inspection and review be so deficient, he shall, without any delay, disband the same. Upon the disbandment of a company of State troops which has received uniforms, arms, equipments, or equipage from the Quartermaster General, the commissioned officers of such company shall be responsible for the safe return to the custody of the Quartermaster General of all public property in possession of said company, and for any loss or damage thereto; and in case of any loss thereof or damage thereto, by reason of the willful neglect or default of such officers, or either of them, he or they shall be held to make compensation therefor, to be recovered in an action of assumpsit brought by the Quartermaster General against all or any of such officers; which action it shall be his duty to bring.

Companies that are deficient in numbers to be disbanded

Commissioned officers responsible for return, etc., of arms and equipments.

(897.) SEC. 70. At each encampment of the State troops, the Inspector General or his assistants shall inspect such troops agreeably to the rules adopted for the army of the United States. He shall take an accurate account of the quality and condition of the arms, accoutrements, and clothing of both

Inspection of troops.

officers and men, and report thereon in writing to the Commander-in-chief.

Auditor General authorized to draw his warrant for amount of expenses.

(922.) SEC. 95. The Auditor General shall, and he is fully authorized and empowered to draw his warrant upon the State Treasurer for all expenses made or created under this act upon the estimates of the Quartermaster General or the Paymaster General, approved by the Commander-in-chief and the State Military Board: *Provided*, That the accounts and vouchers for the expenditure of money drawn by the Quartermaster General on previous estimates, shall be filed with and audited by the Auditor General, before he shall issue his warrant for any new estimate.

Proviso.

Section repealed.

SEC. 2. That section fifty of said act, being section eight hundred and sixty-seven, chapter eighteen of the compiled laws, be and the same is hereby repealed.

Sections added.

SEC. 3. That there shall be added to said act, thirteen new sections to stand as sections ninety-seven, ninety-eight, ninety-nine, one hundred, one hundred and one, one hundred and two, one hundred and three, one hundred and four, one hundred and five, one hundred and six, one hundred and seven, one hundred and eight, and one hundred and nine.

Uniforms and arms of commissioned officers.

SEC. 97. All commissioned officers shall provide themselves with such uniforms and arms complete as the State Military Board, with the approval of the Commander-in-chief, shall prescribe, subject to such restrictions, limitations, and alterations as he may order.

Uniforms of non-commissioned officers, how furnished, etc.

SEC. 98. Every non-commissioned officer, musician, and private of a company, duly organized under the militia laws of this State, shall be furnished with a uniform at the expense of the State, not exceeding in cost the sum of twenty-five dollars each. The said uniform shall be furnished by the Quartermaster General upon the requisition of the officer commanding the company to which he belongs, approved by the Adjutant General. The said requisitions shall be made in duplicate order, and shall give under oath the name, age, rank, and date

of enlistment of the person for whom the uniform is procured, the number of State uniforms already in the possession of the company, and the number of active members belonging to the company. The commanding officer shall also certify that he believes the person for whom the uniform is required, to be able bodied, according to the rules and standard adopted in the army of the United States, and of good moral character. Applicants to be able bodied and of good moral character. The non-commissioned staff of each regiment shall be in like manner provided with uniforms, upon the requisition of the commanding officer of the regiment to which they belong: *Provided*, They have not been furnished with a uniform as Proviso. members of a company. The uniform to be furnished by the State shall be of one uniform pattern, to be established by the State Military Board, and approved by the Commander-in-chief. The non-commissioned officers and soldiers of any company already organized and mustered into the service of the State, who have provided themselves with a uniform, may in lieu of drawing a new uniform, or part thereof, from the Quartermaster General, as herein provided, be allowed by him the sum which such new uniform or part thereof, not drawn, would cost: *Provided*, The uniforms or parts thereof on Proviso. which such allowance is made be approved by the Quartermaster General as suitable and substantial: *And provided* Further proviso. *further*, That such uniforms or parts thereof as shall be accepted and allowed for, shall thereafter be subject to the same conditions as herein prescribed for State uniforms.

SEC. 99. Every uniform so furnished shall continue to be the property of the State, and shall be deposited in the company armory in charge of the commanding officer of the company, except when worn in the discharge of military duty. Uniform to be property of the State.

SEC. 100. Every person who shall wantonly or intentionally injure or destroy such uniform, or any other military property of the State, and refuse to make good such injury or loss, or shall sell or dispose of, remove or secrete the same with intent to sell or dispose thereof, shall be deemed guilty of a misde- Penalty for wantonly injuring military property.

meanor, and shall be punished by a fine not exceeding two hundred dollars, or by imprisonment not exceeding six months, or by such fine and imprisonment both.

Penalty for wearing uniform except on parades, etc.

SEC. 101. Whoever uses or wears, except upon public parades, or by special permission of his commanding officer, any uniform or other articles of military property belonging to the State, shall be punished by fine not exceeding twenty dollars for every such offense.

Roll of company, by whom kept.

SEC. 102. A fair and exact roll of each company shall be kept by the clerk, under the direction of the commander, with the state of the arms and equipments furnished to each man, in the form prescribed for the returns of the militia by the Commander-in-chief. Such rolls shall be annually revised in the month of May, and corrected from time to time as the state of the company and alterations in it may require.

Orderly book, by whom kept and its use.

SEC. 103. An orderly book shall also be kept in each company by the clerk, under the direction of the commander, and the proceedings of the company and orders received and issued shall be recorded therein. Fines and forfeitures, with the time when, and the offense, neglect, default, and deficiency for which they were incurred; money collected by him, with the names of the persons from whom collected, and all delinquencies and deficiencies shall be recorded in said book; which shall not be alienated from the company, and shall always be open to the inspection of its officers.

Roll call.

SEC. 104. Every company, while encamped, shall have roll-call as follows: On the first day at noon, and at the close of evening parade; on the remaining days of said encampment, at seven o'clock in the morning, twelve o'clock at noon, and six o'clock at night of each day; and every officer and soldier absent at either of said roll-calls, without proper authority, shall be considered as absent for the day, and shall be allowed no compensation for said day. A commissioned officer of the company shall attend each roll-call.

Pay-roll.

SEC. 105. The commander of a company, within ten days

after each annual tour of camp duty, shall make a correct alphabetical pay-roll of his company, containing the names of the members who appeared armed, uniformed, and equipped, and performed all the duties required on the days of encampment, and showing the duties done by each member, and transmit the same in duplicate, certified under his oath to be correct and true, to the Adjutant General, and the whole number so returned shall in no case exceed the maximum number allowed to his company by sections eight or nine. A commanding officer of a company who neglects to make the returns herein required shall forfeit twenty-five dollars, and for making a false return in any case shall forfeit one hundred dollars, to be prosecuted for by the Adjutant General.

Forfeiture for failing to make return etc.

SEC. 106. Commanders of camps shall, within ten days after each annual encampment, make and transmit to the Adjutant General, a certified pay-roll in duplicate, of the general field and staff officers and members of one band of music to each brigade present and on duty at the said encampment, specifying the name, rank, duty done by each one who has appeared armed, uniformed, and equipped, and performed duty on any day. For neglect to make such return, such commander shall forfeit fifty dollars, and for making a false return in any case, two hundred dollars, to be prosecuted for by the Adjutant General. The Adjutant General shall, without delay, extend said pay-rolls in accordance with the provisions for pay of the troops in section one hundred and seven, and shall transmit one copy of the same to the Quartermaster General, and one to the Auditor General.

Commanders of camps to transmit duplicate pay-roll to Adjutant General.

Forfeiture for not making return.

Adjutant General to extend pay-roll, etc.

SEC. 107. All officers, non-commissioned officers, musicians, members of band, and privates, shall receive, for each day actually spent by them on duty in the annual encampment authorized by this act, and for the time necessarily spent by them in traveling from their homes to the place of rendezvous and in returning to their homes, the necessary transportation, and not exceeding one dollar and twenty-five cents per day,

Compensation.

Proviso.  
Forfeiture  
of pay for  
drunken-  
ness.

and seventy-five cents per day for subsistence: *Provided, however,* That any officer, musician, or soldier guilty of intoxication or drunkenness at any annual encampment, or on the way to or from such encampment, shall forfeit all pay for that entire tour of camp duty; and it shall be the duty of the officer charged with making the pay-rolls to note the fact of intoxication or drunkenness against the name of the person guilty thereof, under the penalties for false returns established by sections one hundred and five and one hundred and six of this act.

Payment.

SEC. 108. As soon as possible, after obtaining the pay-rolls, the Quartermaster General shall pay such officers, musicians, members of a band, and privates, as shall have done duty at the annual encampment, the amount due them therefor under the provisions of this act, and as shown by the pay-rolls. Payment may be made to the commanding officer of a company or the master of a band, upon the written order of the members thereof performing duty as aforesaid.

Number of  
companies,  
and expenses  
to be govern-  
ed by limits  
military  
fund.

SEC. 109. In accepting and uniforming new companies, in providing armories, and in ordering annual encampments, the Commander-in-chief and the State Military Board shall at all times be restricted and governed by the limits of the State military fund, to the end that no costs or expenses shall be incurred beyond the amount which the moneys in that fund will defray.

SEC. 4. This act shall take immediate effect.

Approved April 18, 1873.

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[ No. 117. ]

AN ACT in relation to challenges of jurors in criminal cases.

Grounds for  
challenge.

SECTION 1. *The People of the State of Michigan enact,* That the previous formation or expression of opinion or impression, not positive in its character, in reference to the circumstances upon which any criminal prosecution is based, or in reference



to the guilt or innocence of the prisoner, or a present opinion or impression in reference thereto, such opinion or impression not being positive in its character, or not being based on personal knowledge of the facts in the case, shall not be a sufficient ground of challenge for principal cause, to any person who is otherwise legally qualified to serve as a juror upon the trial of such action: *Provided*, The person proposed as a juror, who may have formed or expressed, or has such opinion or impression as aforesaid, shall declare on oath, that he verily believes that he can render an impartial verdict according to the evidence submitted to the jury on such trial: *Provided* Further provide. *further*, The court shall be satisfied that the person so proposed as a juror does not entertain such a present opinion as would influence his verdict as a juror.

Approved April 18, 1873.

[ No. 118. ]

AN ACT relative to granting injunctions in certain cases.

SECTION 1. *The People of the State of Michigan enact*, That whenever an injunction is asked by any person, company, association, or corporation, to restrain the collection of any taxes or assessments, assessed, levied, or imposed by any law or by authority of any law of this State, the officer to whom such application is made shall require, as a condition to the allowance of injunction, that the amount of the taxes, the collection of which is asked to be enjoined, together with the interest and charges to accrue thereon, be deposited with the register in chancery for the county in which the suit is commenced, which money shall, by the order of the court, be applied in payment of the taxes in question and the interest and charges thereon, within ten days after final decree, if the injunction be not made perpetual: *Provided*, This bill shall not apply to taxes assessed for drainage purposes. Condition to the allowance of injunction to restrain collection of taxes, etc. Proviso.

Approved April 18, 1873.

Duties relative to suitable location for a fish-breeding establishment, etc.

Expenses.

Superintendent of fisheries to be appointed by board.

His duties.

Salary.

General powers and duties of board.

Appropriations.

Arrangements with other States for joint action.

State fish-breeding establishment, for the artificial propagation and cultivation of whitefish and such other kinds of the better class of food fishes as they may direct, upon the best terms possible. Said board may receive from the State Treasurer all the expenses actually disbursed by them while in discharge of their respective duties.

SEC. 2. It shall be the duty of said board to appoint one superintendent of fisheries of the State, whose duty it shall be to obtain the ova from such fish, and at such places as said board may direct, take charge of the establishment during the hatching seasons, and report to the Governor annually upon the practical results and success of the enterprise; at a salary, however, not to exceed twelve hundred dollars per annum.

SEC. 3. The said board may take or cause to be taken, any fish in any manner or at any time, for purposes connected with fish culture, or with scientific observation. And it shall further devolve upon said board, to supervise generally the fishing interests and secure the enforcement of all the laws relating to the protection of fish and fisheries in the State.

SEC. 4. The sum of seven thousand five hundred dollars is hereby appropriated for the year eighteen hundred and seventy-three, and a like sum for the year eighteen hundred and seventy-four, for the necessary expenses in carrying this act into effect, which the Treasurer shall pay to them on the warrant of the Auditor General, from time to time, as their vouchers for such expenses shall be exhibited and approved.

SEC. 5. In case appropriations by other States contiguous to the waters of the State of Michigan shall be made, and a disposition for a joint action with the State of Michigan be expressed, it shall devolve upon the Governor to communicate and arrange the action for the said commissioners, with the Governors of said States.

Approved April 19, 1873.

[ No. 125. ]

AN ACT to provide for the assessment and taxation of lands known as railroad lands.

SECTION 1. *The People of the State of Michigan enact, That* All railroad lands taxable  
all lands known as railroad lands, situated in this State, which may have been heretofore earned or obtained by any person company, or corporation, by or for the construction of any railroad in this State, shall be assessed and taxed in the same manner that all other lands are assessed and taxed.

SEC. 2. All lands that may hereafter be so earned or obtained All railroad lands hereafter earned at once liable to be assessed same as other lands.  
by any person, company, or corporation, by constructing any railroad in this State, shall be liable to be assessed and taxed in the same manner that other lands are assessed and taxed, when, and as soon as the certificate of the Governor is executed to the Secretary of the Interior, showing that such person, company, or corporation is entitled to receive patents for such lands.

SEC. 3. To enable the proper county and township officers Lists of such lands to be sent to county treasurers  
to faithfully carry out the provisions of this act, it shall be the duty of the Auditor General forthwith to obtain from the office of the Secretary of Interior at Washington, a full and complete list of all lands earned by or patented to any and all railroad companies, under any law granting public lands for the purpose of aiding in the construction of any railroad in this State, which may be liable to assessment and taxation under the provisions of this act, and forward a copy of such lists of said lands to the county treasurer of the proper county in which the same are located, on or before the first day of April, in each year; and it shall be the duty of the county treasurer, on or before the fifteenth day of April in each year, to forward to the supervisor of each township in his county, a copy of such lists of such lands as are located within their respective townships.

SEC. 4. The Auditor General shall receive only such compensation for his services as required by section three of this Expenses for making and forwarding lists.

Contracts to be let to lowest responsible bidder.

Bids to be sealed.

Bids to be deposited with Secretary of State.

Restriction upon board in regard to payment of contractors.

Proviso requiring contractors to give bonds.

Board to appoint person to superintend erection of asylum.

To appoint secretary.

Salary of superintendent and secretary.

Oath and bond of.

posals for constructing said asylum, in accordance with the plans and specifications. All contracts for labor or materials to be used in the erection and construction of the buildings provided for by this act, requiring an expenditure of more than five hundred dollars, shall be let to the lowest responsible bidder or bidders; the advertisement thus provided for to specify the time and place where the bids or proposals made in pursuance thereof shall be opened. All bids or proposals thus made shall be sealed, and shall not be opened at any time or place than that designated in the advertisement. All or any bids or proposals received by said board may be by them rejected, and, whether accepted or rejected shall, after decision thereon by said board, be deposited in the office of the Secretary of State.

SEC. 6. In letting contracts, said board shall not obligate the State to pay to any contractor any money other than that to which such contractor may be justly entitled by reason of labor or materials already furnished and supplied, and in no event shall more than eighty-five per cent of the amount called for in any contract to be paid to the contractor named therein before the completion of his contract and its acceptance by said board: *Provided*, That every contractor performing service or work, or furnishing materials under this act, shall enter into such bonds, with sureties for the proper performance of his contract, as shall be required by the Board of Commissioners.

SEC. 7. The said Board of Commissioners shall appoint some proper person, not of their number, to superintend, under their direction, the erection of the asylum provided for in this act, and they shall also appoint a secretary, not of their number, whose duties shall be by them prescribed. Such superintendent and secretary thus appointed shall each receive for his services a reasonable compensation, to be established by the board, and approved by the Governor, and before entering upon the discharge of his duties, shall each take the oath prescribed by the constitution, and give bond for the faithful performance of the duties of his office in the penal sum of ten thousand dollars.

SEC. 8. Each of the members of said board shall be entitled to receive his actual traveling expenses and the sum of three dollars per day for the time actually spent in the discharge of his duties under this act. Compensation of board

SEC. 9. And there is hereby appropriated for the purpose of carrying out the provisions of this act the sum of four hundred thousand dollars, and the same shall be incorporated in the State tax as follows, to-wit: For the years one thousand eight hundred and seventy-three, one thousand eight hundred and seventy-four, one thousand eight hundred and seventy-five, and one thousand eight hundred and seventy-six, the sum of one hundred thousand dollars each; and the same when collected shall be placed by the Auditor General to the credit of said asylum fund, and may be drawn by the treasurer of said commissioners upon warrants made by their secretary, and approved by the commissioners. Appropriation, how raised. How drawn.

SEC. 10. It shall be the duty of the secretary of said commissioners to render, quarter-yearly, to the Auditor General, accounts current of all cash transactions, and all moneys received, with the proper vouchers; and no money shall be drawn by virtue of this act by said commissioners unless they shall have first filed with the Auditor General an estimate and statement showing the purpose for which such money is required; and also have made the quarter-yearly account of all moneys previously drawn. Secretary to render quarter-yearly account to Auditor General. No money to be drawn unless estimate, etc., are first filed with Auditor General.

SEC. 11. Said commissioners, before they enter upon the duties of their office, shall each take and subscribe the constitutional oath of office, and file the same in the office of the Secretary of State; and the treasurer of said commissioners shall give his bond to the people of this State in the penal sum of twenty thousand dollars, with two or more sufficient sureties approved by the Governor, conditioned for the faithful performance of the duties required of him, and to properly account for all moneys received by him under this act. Commissioners to take oath of office. Treasurer of board to give bond.

SEC. 12. The sum of forty thousand dollars, or so much

Appropriation for purchase of site, etc.

thereof as may be needed for purchase of a site and procuring plans for such asylum, and for such other purposes as may be approved by the Governor, is hereby appropriated from the State Treasury, to be drawn as above, for the year eighteen hundred and seventy-three, to be reimbursed by funds collected under section nine of this act.

SEC. 13. This act shall take immediate effect.

Approved April 19, 1873.

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[ No. 121. ]

AN ACT to enable agricultural and horticultural societies and horse fairs to extend a more perfect protection to their property and the property of exhibitors at fairs, and to allow the board of managers to appoint police for that purpose.

Board of managers or executive committee authorized to appoint policemen.

SECTION 1. *The People of the State of Michigan enact*, That the board of managers or executive committee of any agricultural or horticultural society or horse fair of this State is hereby authorized to appoint as many citizens of this State policemen as shall be necessary for their exhibition, whose duty it shall be to preserve order within and around the grounds of said society or fair; to protect their property within said grounds; to eject all persons who shall be improperly within the grounds of said society, or who shall be guilty of disorderly conduct, or who shall refuse to pay the fee, or observe the rules prescribed by the society or fair. Said policemen shall have the same power during the time said exhibition shall continue that a constable may have by law in serving criminal process and making arrests, and in addition may arrest any person for the commission of any offense mentioned in section two of this act.

Powers of policemen.

Penalty for injuring property on fair ground, etc.

SEC. 2. Any person who shall willfully injure or destroy the property of exhibitors, visitors, or lessees on the fair ground, or shall hinder or obstruct the officers and police in the discharge of their duties, or shall wrongfully or maliciously gain

admission to the fair ground contrary to the rules of said society, or fair, or without paying the established fees during any fair of such society, shall be deemed guilty of a misdemeanor, and upon conviction shall be subject to a fine of not less than one or more than twenty-five dollars, or imprisonment not exceeding thirty days, or such fine and imprisonment both, at the discretion of the court before whom the offender may be tried.

SEC. 3. This act shall take immediate effect.

Approved April 19, 1873.

[ No. 122. ]

AN ACT making an appropriation for the support of the State Public School and providing for building additional cottages and other improvements for the same.

SECTION 1. *The People of the State of Michigan enact*, That there shall be and is hereby appropriated out of the State treasury the sum of twenty thousand dollars, or so much thereof as may be necessary for the use and support of the State Public School for the year one thousand eight hundred and seventy-four, and paid to the Board of Control, or person or persons entitled to receive the same, at such time and in such manner and amounts only as may be made to appear to the Auditor General to be necessary for the immediate wants of the State Public School.

Appropriation for use and support of State Public School.

SEC. 2. That there shall be and is hereby appropriated out of the State treasury, the sum of thirty-eight thousand dollars for the year one thousand eight hundred and seventy three (if so much be necessary), for the purpose of building three additional cottages, heating apparatus, necessary plumbing and furnishing for all the buildings, and for fencing and improving the grounds of the State Public School, which said money herein appropriated shall be expended under the direction of the Board of Control of the State Public School, and shall be

Appropriations for building, etc.

How drawn and expended.

drawn from the treasury on the presentation of the proper certificates of the said board to the Auditor General, and on his warrant to the State Treasurer.

Reimbursement of treasury for money drawn therefrom.

SEC. 3. The sum of thirty-eight thousand dollars the Auditor General shall add to and incorporate with the State tax for the year eighteen hundred and seventy-three, and the further sum of twenty thousand dollars he shall add to and incorporate with the State tax for the year eighteen hundred and seventy-four, which sums, when collected, shall be paid into the treasury to reimburse the same for the amounts to be drawn therefrom as provided in sections one and two of this act.

SEC. 4. This act shall take immediate effect.

Approved April 19, 1873.

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[ No. 123. ]

AN ACT to amend act number one hundred and fifty-four of the session laws of eighteen hundred and seventy-one, entitled "An act to amend section one of an act entitled 'An act to authorize proceedings by garnishment in the circuit courts and in the district court of the Upper Peninsula,' approved March sixteen, eighteen hundred and sixty-one," being section six thousand four hundred and sixty-five of the compiled laws of eighteen hundred and seventy-one.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section six thousand four hundred and sixty-five of the compiled laws of eighteen hundred and seventy-one, be and the same is hereby amended so as to read as follows:

In what cases writ of garnishment may issue.

SEC. 1. That in all personal actions arising upon contract, judgment, or decree, brought in the several circuit courts or municipal courts of civil jurisdiction, whether commenced by summons, *capias*, declaration, or writ of attachment, if the plaintiff, his agent, or attorney, shall file with the clerk of the court at the time of, or after the commencement of suit, an affidavit stating that he has good reason to believe, and does believe, that any person (naming him) has property, money, goods, chattels, credits, or effects in his hands or under his



control, belonging to the defendant, or that such person is in anywise indebted to the defendant, whether such indebtedness be due or not; that the defendant (naming him) is justly indebted to the plaintiff in a given amount over and above all legal set-offs, and that the plaintiff is justly apprehensive of the loss of the same unless a writ of garnishment issue to the aforesaid person, a writ of garnishment shall be issued, sealed, and tested, in the same manner as writs of summons, and directed to the sheriff, reciting the commencement of suit against the principal defendant and the filing of the affidavit aforesaid, and thereupon commanding said sheriff to warn and summons such person to appear before said court on a day named, not less than fourteen days from the date of issuing the same, to make disclosure in writing, under his oath, to be filed with the clerk of said court, touching his liability as garnishee of the principal defendant (naming him) as charged in said affidavit, and thenceforth to pay no money and deliver no property to the principal defendant, and of said writ to make due return.

Service of writ.

Garnishee to disclose his liability.

SEC. 2. This act shall take immediate effect.

Approved April 19, 1873.

[ No. 124. ]

AN ACT to establish a Board of Commissioners to increase the product of the fisheries, and to make an appropriation therefor.

SECTION 1. *The People of the State of Michigan enact, That* it shall be the duty of the Governor, by and with the consent of the Senate, to appoint two persons, residents of this State, who with the Governor shall constitute a Board of Fish Commissioners. The persons so appointed shall hold their office until the expiration of the next regular session of the Legislature, whose duty it shall be to select a suitable location for a

Appointment of Board.

Governor member ex officio.

Term of office.

Duties relative to suitable location for a fish-breeding establishment, etc.

Expenses.

Superintendent of fisheries to be appointed by board.

His duties.

Salary.

General powers and duties of board.

Appropriations.

Arrangements with other States for joint action.

State fish-breeding establishment, for the artificial propagation and cultivation of whitefish and such other kinds of the better class of food fishes as they may direct, upon the best terms possible. Said board may receive from the State Treasurer all the expenses actually disbursed by them while in discharge of their respective duties.

SEC. 2. It shall be the duty of said board to appoint one superintendent of fisheries of the State, whose duty it shall be to obtain the ova from such fish, and at such places as said board may direct, take charge of the establishment during the hatching seasons, and report to the Governor annually upon the practical results and success of the enterprise; at a salary, however, not to exceed twelve hundred dollars per annum.

SEC. 3. The said board may take or cause to be taken, any fish in any manner or at any time, for purposes connected with fish culture, or with scientific observation. And it shall further devolve upon said board, to supervise generally the fishing interests and secure the enforcement of all the laws relating to the protection of fish and fisheries in the State.

SEC. 4. The sum of seven thousand five hundred dollars is hereby appropriated for the year eighteen hundred and seventy-three, and a like sum for the year eighteen hundred and seventy-four, for the necessary expenses in carrying this act into effect, which the Treasurer shall pay to them on the warrant of the Auditor General, from time to time, as their vouchers for such expenses shall be exhibited and approved.

SEC. 5. In case appropriations by other States contiguous to the waters of the State of Michigan shall be made, and a disposition for a joint action with the State of Michigan be expressed, it shall devolve upon the Governor to communicate and arrange the action for the said commissioners, with the Governors of said States.

Approved April 19, 1873.

[ No. 125. ]

AN ACT to provide for the assessment and taxation of lands known as railroad lands.

SECTION 1. *The People of the State of Michigan enact, That* All railroad lands taxable all lands known as railroad lands, situated in this State, which may have been heretofore earned or obtained by any person company, or corporation, by or for the construction of any railroad in this State, shall be assessed and taxed in the same manner that all other lands are assessed and taxed.

SEC. 2. All lands that may hereafter be so earned or obtained All railroad lands hereafter earned at once by any person, company, or corporation, by constructing any railroad in this State, shall be liable to be assessed and liable to be assessed same as other lands. taxed in the same manner that other lands are assessed and taxed, when, and as soon as the certificate of the Governor is executed to the Secretary of the Interior, showing that such person, company, or corporation is entitled to receive patents for such lands.

SEC. 3. To enable the proper county and township officers Lists of such lands to be sent to county treasurers to faithfully carry out the provisions of this act, it shall be the duty of the Auditor General forthwith to obtain from the office of the Secretary of Interior at Washington, a full and complete list of all lands earned by or patented to any and all railroad companies, under any law granting public lands for the purpose of aiding in the construction of any railroad in this State, which may be liable to assessment and taxation under the provisions of this act, and forward a copy of such lists of said lands to the county treasurer of the proper county in which the same are located, on or before the first day of April, in each year; and it shall be the duty of the county treasurer, on or before the fifteenth day of April in each year, to forward to the supervisor of each township in his county, a copy of such lists of such lands as are located within their respective townships.

SEC. 4. The Auditor General shall receive only such compensation for his services as required by section three of this Expenses for making and forwarding lists.

act, as shall be necessary to pay the proper officer at Washington, for making and forwarding the lists aforesaid, and the amount so paid shall be audited by the Board of State Auditors, and paid to the Auditor General out of the treasury of the State.

Laws re-  
pealed.

SEC. 5. All laws and parts of laws in conflict with the provisions of this act, are hereby repealed.

SEC. 6. This act shall take immediate effect.

Approved April 19, 1873.

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[ No. 126. ]

AN ACT to amend section thirteen of an act entitled "An act to provide for the organization of the Supreme Court, pursuant to section two of article six of the constitution," approved February sixteenth, eighteen hundred and fifty-seven, being section four thousand eight hundred and ninety-six of the compiled laws of eighteen hundred and seventy-one.

Section  
amended.

SECTION 1. *The People of the State of Michigan enact*, That section thirteen of an act entitled "An act to provide for the organization of the Supreme Court pursuant to section two of article six of the constitution," approved February sixteenth, eighteen hundred and fifty-seven, being section four thousand eight hundred and ninety-six of the compiled laws of eighteen hundred and seventy-one, be and the same is hereby amended so as to read as follows:

Quorum.

(4896.) SEC. 13. Three judges shall be sufficient to form a quorum for the transaction of business by the Supreme Court, organized under the provisions of this act, and the court shall have the same jurisdiction and powers which have been conferred by the constitution and laws now in force upon the present Supreme Court. Four terms of the Supreme Court shall be held annually, commencing Tuesday after the first Monday of January, April, July, and October, which shall be called respectively the January, April, July, and October terms of said court. All the terms of said court shall be held at the

Terms of  
court.

Supreme Court room in the city of Lansing, in the county of Ingham. The court may hold special or adjourned terms, and shall continue its session a sufficient number of days at each term to hear all the causes ready for hearing, and all causes and questions not decided at the term when the same are submitted, shall be determined early in the next succeeding term. Special terms.

All the laws now in force relating to the Supreme Court shall apply to the Supreme Court as organized under this act. Existing laws to apply.

The clerk of the county of Wayne is hereby required to put into suitable wrappers, properly labeled, all the files and papers of the Supreme Court now remaining in his office, and transmit the same by express, together with all books and records in his charge, pertaining to said court, to the office of the Clerk of the Supreme Court at Lansing, who shall cause the same to be properly arranged, kept, and preserved in his office. Clerk of Wayne county to transmit files, papers, records, etc., to Lansing.

The expense of so putting up and transmitting the said files, papers, books, and records, shall be a proper charge against the State, and shall be audited and allowed by the Board of State Auditors. Expenses.

Approved April 22, 1873.

[ No. 127. ]

AN ACT to amend section fifty of chapter two hundred and sixty-seven, entitled "The State Prison, and the government and discipline thereof," being section eight thousand and ninety-five of the compiled laws of eighteen hundred and seventy-one.

SECTION 1. *The People of the State of Michigan enact, That* section fifty of chapter two hundred and sixty-seven, entitled "The State Prison, and the government and discipline thereof," the same being section eight thousand and ninety-five of the compiled laws of eighteen hundred and seventy-one, be amended to read as follows: Section amended.

(8095.) SEC. 50. The agent shall furnish, at the expense of the State, to each of the convicts who can read, a Bible, and such other reading matter as he may consider for the best Convicts to be furnished with Bibles, etc.

Proviso.

Further  
proviso.

interest of such convicts, and such convicts as cannot read he shall cause to be instructed in the principles of reading, writing, and arithmetic: *Provided*, That the whole amount expended for reading matter, other than Bibles, as above provided, shall not exceed in any one year the sum of fifty dollars: *Provided further*, That nothing in this section shall be construed to affect or change the rule of the prison as to library.

Approved April 22, 1873.

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[ No. 128. ]

AN ACT to amend sections three thousand three hundred and eighty-one and three thousand three hundred and eighty-two of the compiled laws of eighteen hundred and seventy-one, relative to burying grounds and rural cemeteries.

Sections  
amended.

SECTION 1. *The People of the State of Michigan enact*, That sections three thousand three hundred and eighty-one and three thousand three hundred and eighty-two of the compiled laws of eighteen hundred and seventy-one, relative to burying grounds and rural cemeteries, be and the same are hereby amended so as to read as follows:

Election of  
officers.

(3381.) SEC. 8. Any five or more persons who shall meet in pursuance of such notice or at any annual meeting of such corporation after the organization thereof, may choose a president, vice president, clerk, and treasurer.

Officers, how  
chosen.

(3382.) SEC. 9. The officers named in the next preceding section, except those appointed by the Board of Control, shall be chosen by ballot, and the person having the highest number of votes for any office shall be deemed elected. Such other officers as may be provided for in the by-laws of such corporation shall be elected or appointed as prescribed in such by-laws. The time and place of holding meetings for the

election of officers and for other purposes shall be prescribed by such corporation in their by-laws.

Time and  
place of  
election to  
be prescribed  
by by-laws.

SEC. 2. This act shall take immediate effect.

Approved April 22, 1873.

[ No. 129. ]

AN ACT to amend section twenty-two of an act entitled "An act to define the powers and duties of the boards of supervisors of the several counties, and to confer upon them certain local, administrative, and legislative powers," approved April eight, eighteen hundred and fifty-one, being section four hundred and eighty-eight of compiled laws of eighteen hundred and seventy-one.

SECTION 1. *The People of the State of Michigan enact, That* section twenty-two of chapter ten of the compiled laws of eighteen hundred and seventy-one be, and the same is amended so as to read as follows :

Section  
amended.

SEC. 22. Whenever any person or persons, or any incorporation, shall wish to construct a dam across any such stream as is mentioned in the preceding section, such person or persons, or corporation, shall present to the board of supervisors, or file with their clerk to be presented to them at their next meeting, a petition praying for leave to construct such dam, and setting forth the purpose, location, height, and description of such dam, and whether it is proposed to construct a lock, or shute, or apron, and of what description, for the passage of boats, vessels, rafts, or timber; and before the same shall be heard and determined by such board, it shall be made to appear to the board that notice of such application, signed by the petitioners, and stating substantially the contents of such petition, has been published in some newspaper printed in each county through which such stream runs, if there be a newspaper published in such county, and also in one newspaper at least three weeks previous to the hearing of such application, published in the city of Detroit; and on such hearing any person or persons

Proceedings  
when dams  
are sought  
to be con-  
structed.

shall be heard in favor of and in opposition to the prayer of the petition; and such board may adjourn such hearing to any other time or place; and they may grant or refuse the prayer of such petition; and the determination shall be entered at length upon the record of said board; and if such board shall allow the said dam to be constructed, the petitioners shall be at liberty to construct the same by complying fully with the terms and conditions set forth in their petition; and after having obtained such right, and constructed such dam, such petitioners, their heirs, successors, or assignees may, if such dam be destroyed, or decayed, construct a new dam, subject to all the same terms and conditions, on the same site, without again applying to such board: *Provided*, That nothing in this act contained shall be construed as giving to such board of supervisors any power to grant the right to any person or persons, or corporation, to flow, or in any manner to take, or injure the lands of any person or persons, by or in consequence of constructing such dam.

SEC. 2. This act shall take immediate effect.

Approved April 22, 1873.

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[ No. 130. ]

AN ACT to amend section one of chapter twenty-six of compiled laws of eighteen hundred and seventy-one (page four hundred and thirty-nine), relative to the laying out of highways through orchards.

Section  
amended.

SECTION 1. *The People of the State of Michigan enact*, That section one thousand two hundred and fifty-two of chapter twenty-six of the compiled laws of eighteen hundred and seventy-one, be and the same is hereby amended so as to read as follows:

Relative to  
laying out,  
etc., of high-  
ways in  
townships.

(1252.) SEC. 1. That whenever any seven or more freeholders of any township shall wish to have a highway in any part of said township, not included within the corporate limits of any city or village, laid out, altered, or discontinued, they may



by writing, under their hands, make applications to the commissioners of highways of the township, for that purpose, who shall thereupon proceed to determine and act upon such application, and lay out, alter, or discontinue such highway or any part thereof, as hereinafter provided. And whenever any five or more freeholders of each of any adjoining municipal corporations other than adjoining townships, shall wish to have a highway or any boundary line between such corporations laid out, altered, or discontinued, they may in like manner make application for that purpose, to the corporate authorities of either such municipal corporations, having by law jurisdiction of matters pertaining to laying out, altering, or discontinuing highways; and upon such application being made, the officers to whom it was presented shall immediately notify the like officers of the other corporation interested, of the time and place, when and where they will meet such officers, to consider, determine, and act upon such application, which time shall not be more than ten days from the time of the presentation of such application, and such several corporate authorities shall thereupon proceed jointly to consider, determine, and act upon such application as hereinafter directed; and the damages which shall be assessed in any case last above provided for, together with the costs and expenses of the proceedings, shall be paid by each of the municipal corporations on the line between which such highway is located, in proportion to the benefit to be derived therefrom by such corporations, and the same shall be levied and collected in the same manner as other general expenses of such corporations. The provisions of this act shall extend to counties, and the boards of supervisors thereof are hereby empowered to make such rules and regulations as may be necessary to carry out the provisions of this act applicable to county line roads: *Provided*, That no highway which shall have been in use as such for an uninterrupted period of ten years, shall be discontinued except upon the unanimous vote of all the officers or authori-

Relative to  
laying out,  
etc., on line  
between  
cities and  
villages.

Damages  
and ex-  
penses.

Provisions  
to extend to  
counties.

Proviso.

Further  
proviso.

ties present at such meeting, approved, in the case of township roads, by the township board or boards: *And provided further*, That no second application shall be made within twelve months, or a third application within two years, for that purpose, unless twice the number of freeholders above mentioned shall sign such application.

Approved April 22, 1873.

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[ No. 131. ]

AN ACT to amend section forty-five of chapter one hundred and ninety-two, being section six thousand one hundred and nineteen, of the compiled laws of eighteen hundred and seventy-one, relating to judgments and executions.

Section  
amended.

SECTION 1. *The People of the State of Michigan enact*, That section forty-five, of chapter one hundred and ninety-two, being section six thousand one hundred and nineteen of the compiled laws of eighteen hundred and seventy-one, relating to judgments and executions, be and the same is hereby amended so as to read as follows:

When  
females may  
be imprisoned  
in civil  
actions.

(6119.) SEC. 45. No female shall be imprisoned on any process in any civil action except in actions for the violation of any of the provisions of an act entitled "An act to prevent the manufacture and sale of spirituous or intoxicating liquors as a beverage," the same being chapter sixty-nine of the compiled laws of eighteen hundred and seventy-one, in which actions she shall be liable to the same punishment as a male.

Approved April 22, 1873.

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[ No. 132. ]

AN ACT to amend section sixty-five of chapter fifty-eight of revised statutes of eighteen hundred and forty-six, being section three thousand six hundred and thirty-five of the compiled laws of eighteen hundred and seventy-one, relative to the use of school houses.

Section  
amended.

SECTION 1. *The People of the State of Michigan enact*, That section sixty-five of chapter fifty-eight of the revised statutes

of eighteen hundred and forty-six, being section three thousand six hundred and thirty-five of the compiled laws of eighteen hundred and seventy-one shall be amended so as to read as follows :

(3635.) SEC. 65. The said district board shall have the care <sup>Custody and use of school-house.</sup> and custody of the school house and other property of the district, except so far as the same shall by vote of the district be specially confided to the custody of the director, including all books purchased for the use of indigent pupils, and shall open the school house for public meetings unless by a vote at a district meeting it shall be determined otherwise: *Provided*, That said board may exclude such public meetings during the five school days of each week of any and all school terms, or such parts thereof as in their discretion they may deem for the best interest of the schools.

Approved April 22, 1873.

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[ No. 133. ]

AN ACT to repeal section four thousand three hundred and seventy-one, chapter one hundred and fifty-five of the compiled laws of eighteen hundred and seventy-one, the same being an act entitled "An act to provide for letters testamentary and other proceedings on the probate of a will."

SECTION 1. *The People of the State of Michigan enact*, That <sup>Section repealed.</sup> section four thousand three hundred and seventy-one (4371), chapter one hundred and fifty-five (155) of the compiled laws of eighteen hundred and seventy-one (1871), the same being an act entitled "An act to provide for letters testamentary and other proceedings on the probate of a will," be and the same is hereby repealed.

Approved April 22, 1873.

Further  
proviso.

ties present at such meeting, approved, in the case of township roads, by the township board or boards: *And provided further*, That no second application shall be made within twelve months, or a third application within two years, for that purpose, unless twice the number of freeholders above mentioned shall sign such application.

Approved April 22, 1873.

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[ No. 131. ]

AN ACT to amend section forty-five of chapter one hundred and ninety-two, being section six thousand one hundred and nineteen, of the compiled laws of eighteen hundred and seventy-one, relating to judgments and executions.

Section  
amended.

SECTION 1. *The People of the State of Michigan enact*, That section forty-five, of chapter one hundred and ninety-two, being section six thousand one hundred and nineteen of the compiled laws of eighteen hundred and seventy-one, relating to judgments and executions, be and the same is hereby amended so as to read as follows:

When  
females may  
be imprisoned  
in civil  
actions.

(6119.) SEC. 45. No female shall be imprisoned on any process in any civil action except in actions for the violation of any of the provisions of an act entitled "An act to prevent the manufacture and sale of spirituous or intoxicating liquors as a beverage," the same being chapter sixty-nine of the compiled laws of eighteen hundred and seventy-one, in which actions she shall be liable to the same punishment as a male.

Approved April 22, 1873.

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[ No. 132. ]

AN ACT to amend section sixty-five of chapter fifty-eight of revised statutes of eighteen hundred and forty-six, being section three thousand six hundred and thirty-five of the compiled laws of eighteen hundred and seventy-one, relative to the use of school houses.

Section  
amended.

SECTION 1. *The People of the State of Michigan enact*, That section sixty-five of chapter fifty-eight of the revised statutes

of eighteen hundred and forty-six, being section three thousand six hundred and thirty-five of the compiled laws of eighteen hundred and seventy-one shall be amended so as to read as follows:

(3635.) SEC. 65. The said district board shall have the care and custody of the school house and other property of the district, except so far as the same shall by vote of the district be specially confided to the custody of the director, including all books purchased for the use of indigent pupils, and shall open the school house for public meetings unless by a vote at a district meeting it shall be determined otherwise: *Provided*, That said board may exclude such public meetings during the five school days of each week of any and all school terms, or such parts thereof as in their discretion they may deem for the best interest of the schools.

Approved April 22, 1873.

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[ No. 133. ]

AN ACT to repeal section four thousand three hundred and seventy-one, chapter one hundred and fifty-five of the compiled laws of eighteen hundred and seventy-one, the same being an act entitled "An act to provide for letters testamentary and other proceedings on the probate of a will."

SECTION 1. *The People of the State of Michigan enact*, That section four thousand three hundred and seventy-one (4371), chapter one hundred and fifty-five (155) of the compiled laws of eighteen hundred and seventy-one (1871), the same being an act entitled "An act to provide for letters testamentary and other proceedings on the probate of a will," be and the same is hereby repealed.

Approved April 22, 1873.

[ No. 134. ]

AN ACT to amend section twenty-three of chapter one hundred and sixty-three, of the revised statutes of eighteen hundred and forty-six, being section seventy-eight hundred and sixty-five, in chapter two hundred and fifty-nine (259) of the compiled laws, entitled "The arrest and examination of offenders, commitment for trial, and taking bail."

Section  
amended.

SECTION 1. *The People of the State of Michigan enact*, That section twenty-three, of chapter one hundred and sixty-three, of the revised statutes of eighteen hundred and forty-six, being section seventy-eight hundred and sixty-five, in chapter two hundred and fifty-nine (259) of the compiled laws of eighteen hundred and seventy-one, entitled "The arrest and examination of offenders, commitment for trial, and taking bail," be and the same is hereby so amended as to read as follows:

Prisoners,  
by whom  
admitted  
to bail.

[7865.] SEC. 7. Any Justice of the Supreme Court, circuit court commissioner, or any judge of any (circuit) court for any county, on application of any prisoner committed for any bailable offense, and after due notice to the prosecuting attorney for the county, may inquire into the case and admit such prisoner to bail; and any person committed for not finding sureties to recognize for him, may be admitted to bail by any of the said officers.

Approved April 22, 1873.

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[ No. 135. ]

AN ACT to amend an act entitled "An act to provide for fees of appraisers, commissioners, and others," the same being section seven thousand four hundred and forty-nine, chapter two hundred and thirty-nine of the compiled laws of eighteen hundred and seventy-one.

Section  
amended.

SECTION 1. *The People of the State of Michigan enact*, That section seven thousand four hundred and forty-nine (7449), chapter two hundred and thirty-nine (239) of the compiled laws of eighteen hundred and seventy-one, be and the same is hereby amended so as to read as follows:

(7449.) SEC. 17. All appraisers of estates of deceased persons, appraisers of property taken on any writ of attachment or replevin, persons appointed under any legal process or order for assigning dower, or making partition of real estate, sheriff's aids in criminal cases, or in the execution of legal process, where no express provision is made for compensation therefor, shall be entitled to two dollars for each day and one dollar for each half-day for their services, and six cents a mile for travel in going and returning. Compensation of appraisers, commissioners, etc.

SEC. 2. This act shall take immediate effect.

Approved April 22, 1873.

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[ No. 136. ]

AN ACT to amend section fifty-five, being section eight thousand one hundred, chapter two hundred and sixty-seven of the compiled laws of eighteen hundred and seventy-one, relative to the State Prison and the government and discipline thereof.

SECTION 1. *The People of the State of Michigan enact, That* section fifty-five, being section eight thousand one hundred, chapter two hundred and sixty-seven of the compiled laws, relative to the State Prison and the government and discipline thereof, be amended so as to read as follows: Section amended.

(8100.) SEC. 55. When any convict shall be discharged from prison by pardon or otherwise, the agent shall furnish such convict with clothing, if he be not already provided for, not exceeding ten dollars in value, and such sum of money not exceeding ten dollars, as the agent may deem necessary and proper, and the board of inspectors may in their discretion furnish such convict with a further sum of money not exceeding fifteen dollars, whenever in their opinion the necessities of the convict are such as to require the same. The agent shall also allow and pay to the convict such sum as such convict may earn by doing over-work for contractors, Clothing and money to be furnished convict on discharge. Money earned by doing over-work.

under such regulations as the inspectors may prescribe; such over-work to be charged and collected of the contractors in the same manner as the regular labor of the convicts.

SEC. 2. This act shall take immediate effect.

Approved April 22, 1873.

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[ No. 137. ]

AN ACT to amend sections five thousand six hundred and fifty-seven and five thousand six hundred and fifty-eight of the compiled laws of eighteen hundred and seventy-one, being sections seven and eight of an act entitled "An act to provide for the appointment of a State Reporter," approved April seventeen, eighteen hundred and seventy-one.

Sections  
amended.

SECTION 1. *The People of the State of Michigan enact*, That sections five thousand six hundred and fifty-seven and five thousand six hundred and fifty-eight of the compiled laws of eighteen hundred and seventy-one, being sections seven and eight of an act entitled "An act to provide for the appointment of a State Reporter," approved April seventeen, eighteen hundred and seventy-one, be and the same are hereby amended so as to read as follows:

State Librarian may exchange reports.

(5657.) SEC. 7. The State Librarian may exchange any of said reports for such other reports or law books as shall be approved by the Chief Justice of the Supreme Court, which reports or other books, procured by such exchange, shall be kept in the

May sell.

State Library. After the publication of any volume under the provisions of this act the State Librarian may sell the same at a price per volume not exceeding the actual cost to the State of publication thereof, to be determined by the Board of State Auditors, and twenty per cent added thereto. The State

Bond.

Librarian shall give a bond in the penal sum of five thousand dollars to the State, conditioned for the faithful performance of the duties imposed by this act. He shall keep an account of all moneys received by him for said reports, and shall pay the same monthly to the State Treasurer, who shall credit the

Money received from sale paid to treasurer monthly.



same to the general fund. In case of sales to any one person at one time of twenty-five volumes or over, the twenty per cent aforesaid may be deducted from the selling price of such volumes. When the edition of any volume authorized to be sold by the State Librarian shall be exhausted, a new edition of the same number of volumes shall be printed, bound, and sold, as provided in this act relative to the first edition.

When twenty per cent may be deducted from selling price.

When new edition may be printed.

(5658.) SEC. 8. That the State Reporter shall receive an annual salary of fifteen hundred dollars and his actual and necessary expenses for clerk hire, not exceeding six hundred dollars, and also his actual and necessary expenses incurred by him, in attending the sessions of the Supreme Court, which salary and expenses shall be paid quarterly, upon a warrant of the Auditor General upon the State Treasurer, approved by the Chief Justice of the Supreme Court, and shall be paid out of the general fund. Whenever any State Reporter shall be removed from office or shall resign, his successor in office shall have the right of possession of all papers in the hands of such reporter, by virtue of his office, at the date of such removal, or at the time such resignation shall take effect.

Salary of State reporter.

How paid.

Successors in office entitled to papers.

Approved April 22, 1873.

[ No. 138. ]

AN ACT to prevent the advertisement and sale of drugs or medicines designed to produce criminal abortion.

SECTION 1. *The People of the State of Michigan enact*, That no person shall in any manner, except as hereinafter provided, advertise, publish, sell, or publicly expose for sale any pills, powders, drugs, or combination of drugs, designed expressly for the use of females for the purpose of procuring an abortion.

Sale of drugs for purpose of procuring abortions prohibited.

SEC. 2. Any drug or medicine known to be designed and expressly prepared for producing an abortion, shall only be sold upon the written prescription of an established practicing physician of the city, village, or township in which the sale is made ;

When drugs designed for procuring abortions may be sold.

Person selling to keep record of sales, etc.

and the druggist or dealer selling the same shall, in a book provided for that purpose, register the name of the purchaser, the date of the sale, the kind and quantity of the medicine sold, and the name and residence of the physician prescribing the same.

Penalty.

SEC. 3. Any person violating any of the provisions of this act, shall upon conviction thereof, be punished by a fine of not less than twenty-five nor more than one hundred dollars, in the discretion of the court.

Approved April 22, 1873.

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[ No. 139. ]

AN ACT to regulate the transportation of nitro-glycerine and other explosive substances.

Transportation and storage of nitro-glycerine, etc., prohibited unless labeled.

SECTION 1. *The People of the State of Michigan enact,* That it shall be unlawful hereafter to bring within this State, or to transport, carry, ship, deposit, store, or place nitro-glycerine, giant powder, dynamites, dualine, or any other substance of which nitro-glycerine shall constitute an ingredient, or that may be exploded by concussion, in or upon any car, vessel, steamboat, or other water-craft or public conveyance, wharf or other public place within the State of Michigan, unless the package or box containing the same shall be labeled on the outside thereof, the words "Nitro-Glycerine, dangerous;" and also the same shall appear as inserted or written in or upon the bill of lading, freight bill or other evidence of transportation; thereby giving the character and nature of the articles so shipped: *Provided,* That no provision of this act shall be so construed as to permit the transportation of any of these articles on any passenger train, or freight trains to which a passenger car is attached, or upon any steamboat, propeller, or other vessel used in part or in whole for the transportation of passengers, and that no such materials shall be discharged from any railroad car, boat, or vessel, at any of the wharves, docks,

Proviso.

or depots in this State between the hours of six A. M. and six P. M. of the day.

SEC. 2. If any person or persons shall violate the provisions Penalty. of this act, or if any person or persons shall knowingly receive, sell, or deliver any of said substances, unlawfully shipped or deposited as aforesaid, each and every person so offending shall be guilty of an offense, and on conviction thereof shall be punished by fine in any sum not exceeding two thousand dollars, or by imprisonment in the State Prison not exceeding two years, or both fine and imprisonment, in the discretion of the court.

SEC. 3. And in case any party so violating this act cannot be found or reached, the goods so unlawfully shipped shall be seized and sold, one-half of the proceeds of such sale to be given to the informer and one-half to the State. Goods may be seized and sold when person violating cannot be found.

SEC. 4. This act shall take effect May 15th, 1873.

Approved April 22, 1873.

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[ No. 140. ]

AN ACT to amend sections two and eight, of an act entitled "An act to amend chapter one hundred and fifty, of the revised statutes of eighteen hundred and forty-six, it being chapter one hundred and seventy-five of the compiled laws of eighteen hundred and seventy-one, and to authorize the salary of judges of probate," approved February fifteen, eighteen hundred and fifty-nine, being sections seven thousand four hundred and thirty-six and seven thousand four hundred and thirty-nine, of the compiled laws of eighteen hundred and seventy-one.

SECTION 1. *The People of the State of Michigan enact,* That section eight, of an act entitled "An act to amend chapter one hundred and fifty of the revised statutes of eighteen hundred and forty-six, it being chapter one hundred and seventy-five of the compiled laws, and to authorize the salary of judges of probate," approved February fifteenth, eighteen hundred and fifty-nine, being section seven thousand four hundred and thirty-nine of the compiled laws of eighteen hundred and Section amended.

seventy-one, be and the same is hereby amended so as to read as follows :

Salary, how fixed.

(7436.) SEC. 2. Said salary shall be fixed by the board of supervisors of their respective counties, at a sum not exceeding one thousand five hundred dollars, except in the county of Wayne, where the salary of the judge of probate shall be two thousand seven hundred and fifty dollars.

Register of probate court of Wayne county.

(7439.) SEC. 8. The judge of probate of the county of Wayne shall have power to appoint a register for said court in said county, who shall receive no fees from suitors in said court for his services as such register, but in lieu thereof shall receive an annual salary, payable quarterly from the county treasury of Wayne county, to be fixed by and paid on the warrant of the board of county auditors; said board of county auditors may, on the nomination of the judge of probate, appoint and cause to be paid, as above provided in case of the register of said court, one or more clerks in said office, as the said board may think expedient.

Salary.

SEC. 2. This act shall take immediate effect.

Approved April 22, 1873.

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[ No. 141. ]

AN ACT to provide for the incorporation of ecclesiastical bodies and societies.

Incorporation authorized.

SECTION 1. *The People of the State of Michigan enact, That whenever any ecclesiastical association, conference, convention, convocation, presbytery, synod, or any religious society in which three or more regularly organized churches are represented, shall desire to enjoy corporate rights and powers, they may, by a resolution entered on their minutes, declare their purpose to become incorporated, and may express therein the name by which they may desire to be known and the object of such incorporation, which shall not be repugnant to any law*

of this State or of the United States; and whenever a copy of such resolution, duly attested by the presiding officer and secretary, or clerk of the meeting at which the same was adopted, together with a copy of the organic law by which such association or other hereinbefore mentioned body or society is governed, shall be deposited in the office of the Secretary of State; thereupon such association or other and religious body or society as aforesaid, shall be a body corporate by the name which shall be expressed in said resolution, with all the powers and privileges, and subject to all the provisions and restrictions, applicable in chapter fifty-five of the revised statutes of eighteen hundred and forty-six.

Copy of resolution declaring purpose, etc., to be filed with Secretary of State.

Body corporate.

SEC. 2. Any such corporation may hold real and personal estate, not exceeding in value one hundred thousand dollars, to be devoted exclusively to the diffusion of religious principles and the building up of churches, Sunday schools and other religious objects, and the establishment and maintenance of religious societies or churches.

Corporation may hold real and personal estate.

SEC. 3. Any corporation formed under this act shall, whenever required by the Attorney General, Secretary of State, or either house of the State Legislature, report a full statement of its real and personal estate, exhibiting all its financial affairs; which shall, within a reasonable time after demand, be filed in the office of the Secretary of State. And said corporation may, by a vote of two-thirds of all the members, at any time change the name thereof. Notice of such change shall be forthwith filed in the office of the Secretary of State, and such change when made, shall in no wise affect the liability of such corporations for any debts or obligations due, or [to] become due, from it.

Report.

Name may be changed.

SEC. 4. This act shall take immediate effect.

Approved April 22, 1873.

[ No. 142. ]

AN ACT to relieve mining corporations and their officers in the Upper Peninsula, who have failed to make their reports and returns as required by law.

Corporations relieved from penalties, etc., for failure to make reports, etc.

Relief not to release from payment of taxes, etc.

Stockholders, etc., not relieved from individual liability.

SECTION 1. *The People of the State of Michigan enact, That* mining corporations in the Upper Peninsula, and their officers, be and are hereby relieved and released from all penalties and forfeitures incurred by reason of their failure to heretofore make to the proper officers the reports and returns required by law. But the relief afforded such corporations by this act, shall not release them from the payment of any general or specific taxes to which they have become or may become liable under any law of this State, nor from the operation of any law now in force for the estimate or collection of such taxes, or providing for interest or penalty for any delay in the payment thereof. Nor shall the stockholders, directors, or other officers or [of] such mining corporations be released or relieved from any individual liability which they or either of them may have incurred by reason of such failure on the part of such mining corporations, their directors and officers, to make such reports and returns as aforesaid.

Approved April 22, 1873.

[ No. 143. ]

AN ACT to amend section ten of chapter forty-seven of the revised statutes of eighteen hundred and forty-six, being section two thousand and twenty-two, chapter fifty-eight of the compiled laws of eighteen hundred and seventy-one, relating to the sale of stray beasts, and the disposition of proceeds.

Section amended.

SECTION 1. *The People of the State of Michigan enact, That* section ten of chapter forty-seven of the revised statutes of eighteen hundred and forty-six, being section two thousand and twenty-two, chapter fifty-eight of the compiled laws of eighteen hundred and seventy-one, relating to the sale of stray

beasts and disposition of the proceeds, be and the same is hereby amended so as to read as follows:

(2022.) SEC. 10. If such owner, or person entitled to the possession of the same, shall not appear and make out his title to the animal or animals within the said six months, such animal or animals shall be sold at the request of the finder, by any constable of the township, at public auction, upon first giving notice thereof in writing, by posting up the same in three of the most public places in such township, at least ten days before such sale; and the finder may bid therefor at such sale, and the money arising therefrom, after deducting all the lawful charges aforesaid, and the fees of the constable, which shall be the same as upon a sale on execution, shall be deposited in the treasury of the township, and notice thereof shall be given by the constable making such sale, to the township clerk, whose duty it shall be to charge the same to the treasurer of the township.

Sale of stray  
beasts and  
disposition  
of proceeds.

SEC. 2. This act shall take immediate effect.

Approved April 22, 1873.

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[ No. 144. ]

AN ACT to amend section fifteen of an act entitled "An act to establish a State public school for dependent and neglected children," approved April seventeenth, eighteen hundred and seventy-one, and to add four new sections threeto to be known as sections sixteen, seventeen, eighteen, and nineteen.

SECTION 1. *The People of the State of Michigan enact, That* section fifteen of an act entitled "An act to establish a State public school for dependent and neglected children," approved April seventeenth, eighteen hundred and seventy-one, be so amended as to read as follows:

Section  
amended.

SEC. 15. As soon as the State public school buildings are ready for the admission of inmates, and thereafter semi-annually, and whenever inquired of by the superintendents of

Secretary of  
board to  
notify su-  
perintend-  
ents of poor.

the poor, it shall be the duty of the secretary of the Board of Control, to notify the superintendents of the poor of each county, how many children of the county notified can be received in said school. That the admission for dependent children in said school shall be, as near as practical, divided among the several counties in proportion to the number of dependent children in each. That it shall be the duty of the superintendents of the poor of each county, to forward to said school any dependent and neglected children that are entitled by this act to admission thereto in the manner herein provided. All expenses attending the forwarding of such children and of the examination herein provided for, and of returning to the counties where they belong children not entitled to admission, shall be defrayed by the county to which they belong, by the county treasurer, out of the funds appropriated to the support of the poor belonging to such county, after being allowed and certified by the county superintendents.

How divided among the several counties.

Superintendents of poor to forward children.

Expenses, how defrayed.

Examination of children before sending.

SEC. 16. Before the superintendents of the poor shall send any child to said school, they shall cause him to be brought before the judge of probate in the county where the child belongs, for examination by the judge of probate as to his alleged dependence; and it shall be the duty of the superintendents of the poor of each county, in the case of children in the poor houses, or other children which shall be found in a state of want or suffering, or being abandoned or improperly exposed, or children in any orphan asylum where the officers thereof desire to surrender them to the care of the State, whenever there shall be a vacancy for their county in said school, to bring such children before the said judge of probate for said examination; and it shall thereupon be the duty of the said judge of probate to investigate the facts in each case and ascertain whether such children are dependent; their ages, names, and residence of parents, and in what county, poor house, or orphan asylum they have been kept if any, and for how long a time; and said judge of probate shall have



power to compel the attendance of witnesses, and may in his Idem. discretion request the attendance of the prosecuting attorney on such examinations, and, if so requested, it shall be the duty of such prosecuting attorney to attend in behalf of the county. The parents or any friend may appear in behalf of any child, and in his discretion the said judge of probate may request any supervisor of any town or ward to appear in behalf of any child; and if, on such examination, the said judge of probate shall find that any child is dependent and neglected, he shall enter such finding by a proper order in the journal of the probate court in his office, and shall deliver to the superintendent of the poor procuring such examination, a certified copy of such order which shall contain, besides said findings, a statement of the facts so far as ascertained, as to the age of the child, names and residence of parents, and name of county poor house or orphan asylum where the child has been maintained, and the length of time of such maintenance; and in the case of the examination of two or more children at the same time, only one order need be made; and said certified copy of said order shall be delivered, with the child at said school, to the superintendent thereof.

SEC. 17. It shall be the duty of said Board of Control to provide and always keep open for inspection of all persons desiring to examine it, a book in which shall be registered the names and ages of the children received in said school, and the residence of parents as near as can be ascertained, in which book shall also be recorded the date when the child is received and when the child left the school, and whether the child was apprenticed, placed in a family, or otherwise, and if placed in a family, the name, residence, and occupation of the head of such family, and if apprenticed, to whom. Board to keep open for inspection a registry book.

SEC. 19. The said Board of Control is authorized to designate some officer, teacher, or other employe connected with said school to act as the agent thereof, and who shall act in Agent of the State Public School.

Duties of.

that capacity during the pleasure of said Board of Control, and shall be known as the Agent of the State Public School; and his duties as such agent shall be prescribed by said board, and shall include the visiting as often and at such times as said Board of Control shall determine, any and all children placed in charge of any person by said Board of Control, to inquire into the condition of such children and make such investigation as may be necessary in relation thereto, and report the same to said Board of Control; to investigate all applications to take such children, by adoption or otherwise, to such suitable persons who are willing to adopt, take charge of, or otherwise take and keep any children sent to said school; and to enter into a contract in writing in behalf and under the instructions of said Board of Control, with the persons taking such child; and all such contracts shall contain a clause reserving to said Board of Control the right to withdraw the child from any person having him when in the opinion of the board the welfare of the child require it. The said agent, while acting as such, shall be paid his necessary traveling expenses by the treasurer of said Board of Control, after being allowed and certified by said Board of Control.

To be paid  
necessary  
traveling  
expenses.

SEC. 2. This act shall take immediate effect.

Approved April 24, 1873.

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[ No. 145. ]

AN ACT to amend sections one, four, and thirty-three of an act number one hundred and eighty of the session laws of eighteen hundred and seventy-one, being sections three thousand five hundred and thirty-two, three thousand five hundred and thirty-five, and three thousand five hundred and sixty-four, chapter one hundred and thirty-four of the compiled laws of eighteen hundred and seventy-one, entitled "An act to reorganize the State Agricultural College and establish a State Board of Agriculture," approved March fifteenth, eighteen hundred and sixty-one.

Sections  
amended.

SECTION 1. *The People of the State of Michigan enact, That* sections one, four, and thirty-three of an act number one hun-

dred and eighty of the session laws of eighteen hundred and seventy-one, being sections three thousand five hundred and thirty-two, three thousand five hundred and thirty-five, [and] three thousand five hundred and sixty-four, of chapter one hundred and thirty-four of the compiled laws of eighteen hundred and seventy-one, shall be so amended as to read as follows :

SECTION 1. *The People of the State of Michigan enact, That* State Board of Agriculture established. a board is hereby constituted and established which shall be known under the name and style of the "State Board of Agriculture." It shall consist of six members besides the Gov- Members, and how appointed. ernor of the State, and the president of the State Agricultural College, who shall be *ex officio* members of the board; the Governor, by and with the consent of the Senate, on or before the third Wednesday of January of each biennial session, shall appoint two suitable persons to fill the vacancies that shall next occur, which vacancies shall be so filled that at least one-half the members shall be practical agriculturalists.

SEC. 4. They shall meet quarterly at stated times at the Meetings of board. State Agricultural College, and may meet at such other times and places as they may determine.

SEC. 33. The superintendents of the farm, horticultural and Annual reports of the several departments to be filed with Secretary of the Board. other departments, the curators of the museums, and each of the professors shall make a written and detailed report of the workings of their several departments annually to the president of the college, which said reports shall be kept on file in the office of the Secretary of the State Board of Agriculture. Agricultural Purpose of farm operations. operations on the farm shall be carried on experimentally, so far as shall be directed by the State Board of Agriculture, for the purpose of the instruction of the students, and with a view to the improvement of the science of agriculture in the State of Michigan. And the said board shall cause to be Annual report of Board, what to contain. published in their annual report, so much of the said reports of the various departments, and of the results of the said

experiments as they may deem valuable to the agricultural, horticultural, and pomological interests of the State.

Approved April 24, 1873.

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[ No. 146. ]

AN ACT to authorize the inspectors of the State Prison to grant to life convicts the right to correspond with near friends and relatives.

Inspectors  
may allow  
life convicts  
to corres-  
pond with  
near rela-  
tives and  
friends.

SECTION 1. *The People of the State of Michigan enact, That* the inspectors of the State Prison be and are hereby authorized to allow convicts, under such restrictions as they may deem necessary and proper, who may have been or may hereafter be sentenced to solitary confinement at hard labor for life, and who have been or who may hereafter be released from said solitary confinement and employed as other convicts are, pursuant to the provisions of act number two hundred and thirty-eight of the laws of one thousand eight hundred and forty-nine, entitled "An act relative to convicts sentenced to solitary imprisonment in the State Prison for life," to correspond with near relatives and friends.

SEC. 2. This act shall take immediate effect.

Approved April 24, 1873.

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[ No. 147. ]

AN ACT to amend section four thousand four hundred and seven of the compiled laws of eighteen hundred and seventy-one, relative to the inventory and collection of the effects of deceased persons.

Section  
amended.

SECTION 1. *The People of the State of Michigan enact, That* section four thousand four hundred and seven of the compiled laws of eighteen hundred and seventy-one, relative to the inventory and collection of the effects of deceased persons, be amended so as to read as follows:

(4407.) SEC. 7. The executor or administrator shall be entitled to the possession of the personal estate of the deceased until assignment or distribution of the same to heirs, legatees, or other persons entitled thereto, by order of the probate court, or until the estate is finally settled. The executor or administrator shall only be entitled to the possession of the real estate, or any part thereof, under the order and direction of the probate court, and in no case shall he be entitled to such possession until he shall have filed a petition, properly verified, setting forth all the reasons for such possession, and shall also have produced to the court satisfactory proof either that he has served upon all the heirs or legatees of said estate, notice of hearing upon said petition in such manner as the court shall have directed, or that the residence of such heirs or legatees is unknown to him. Upon receiving the petition and proof as aforesaid, the court shall proceed to hear and determine the cause, and shall give to such executor or administrator the possession of only so much of the real estate as the best interests of the estate shall require.

When executors or administrators are entitled to possession of estates of deceased persons.

Approved April 24, 1873.

[ No. 148. ]

AN ACT relating to the accounting for money received and expended by certain officers.

SECTION 1. *The People of the State of Michigan enact*, That every officer receiving or disbursing money for the State, for or on account of any building or work for the State, or for the maintenance, use, or benefit of any State educational, charitable, reformatory, or penal or other institution, or under any act of appropriation or other law of this State, for any purpose whatsoever, shall render to the Auditor General an account of all the receipts, whether from the State Treasurer or other source or sources; and all disbursements shall be accounted for in the manner hereinafter provided.

Officers receiving or disbursing money for State to account to Auditor General.

Vouchers  
and receipts.

SEC. 2. Every such officer shall take vouchers in duplicate for all money disbursed, one of which duplicate vouchers shall be forwarded to the Auditor General as hereinafter directed; and for all money that shall come into his hands, except from the State treasury (for which he shall receipt as may be now provided by law), he shall issue triplicate receipts, one of which shall be delivered to the person from whom such money is received, and one shall be forwarded to the Auditor General, at the same time and in the same manner as is provided in the case of vouchers for money expended; and such vouchers and receipts shall be accompanied by abstracts under oath, of receipts and expenditures during the period covered thereby; and also by an account current setting forth the amount on hand at the commencement of such period, the amount received during, and the amount on hand at the close thereof.

To be accompanied  
by abstracts  
under oath;  
also, by  
account  
current.

Vouchers,  
etc., to be  
examined,  
etc., by Au-  
ditor Gen-  
eral.

SEC. 3. Such account current, abstract, vouchers, and receipts, when received by the Auditor General, shall be examined by him, and if found correct shall be so indorsed by him; and all vouchers for expenditures, so far as the amount thereof shall appear to be for lawful purposes, he shall audit, and the date of audit, and the amount thereof shall be indorsed across the back of such voucher. And when so examined, indorsed, or audited, shall be retained and filed in the office of the Auditor General.

Auditor  
General to  
furnish  
blanks for  
receipts,  
vouchers,  
etc.

SEC. 4. The Auditor General shall prescribe the form and cause to be printed, and shall furnish at the expense of the State, all blanks for receipts, vouchers, and accounts current made necessary for use by this act; and he shall keep an account with every officer of all receipts or disbursements as set forth or covered thereby: *Provided*, That all vouchers for expenditures and all receipts shall set forth each and every item for which any disbursements were made or for which any money was received.

Proviso.

SEC. 5. Money appropriated by any act of the Legislature for the use or benefit of any State educational, charitable,

reformatory, or penal institution, or to be disbursed by any officer, may be drawn from the State treasury, upon the warrant of the Auditor General, as follows, viz: Under appropriations for current expenses monthly, or quarterly for *pro rata* amounts; and under appropriations for purposes other than current expenses, at such intervals and for such amounts as may best meet the purposes of such appropriations; but at no time shall an amount be in excess of the amount necessary for the current month, as shown by the requisition of the proper officer or board, to be made in writing and under oath; nor shall the Auditor General draw his warrant for money to be placed in the hands of any officer acting for the State, for disbursement, until vouchers covering the expenditure of money previously drawn or received to be expended for a like purpose shall be presented, examined, and audited as provided in section three of this act.

Money appropriated by Legislature for State institutions, how drawn.

SEC. 6. The term "officer," as used in this act, shall be construed to include all commissioners, boards of commissioners, trustees, boards of trustees, inspectors, boards of inspectors, regents, boards of regents, agents, or other person or board of whatever denomination or character, receiving or disbursing money for the State, for or on account of any building or work for the State, or for the maintenance, or for the use or benefit of any State educational, charitable, reformatory, or penal, or other institution or organization, or for or on account of any purpose whatsoever, under any act of appropriation or other law of this State.

Meaning of the term "officer," as used in this act.

SEC. 7. An inventory shall be taken at the close of each fiscal year, by the officer in charge, of each and every State institution, and published with and form a part of the printed report of the officers thereof; and such invoice shall specify the number and cost of all buildings, the quality and value of all lands, the quality and cost of furniture, and of goods and materials, or other property of the State on hand.

Inventory to be taken and published.

What to specify.

SEC. 8. The duplicate of the vouchers for expenditures and

Officer to retain duplicate voucher and one of the receipts.

To appear before board of State Auditors with vouchers, etc.

Settlement with board and publication of statement of same, etc.

Acts repealed.

Re-insurance reserve; how calculated.

one of the receipts made shall be retained by the officer making expenditures or receiving the money covered thereby; and on or before the last day of the fiscal year of the State treasury, and at such other times as the Governor shall direct, such officer shall appear before the Board of State Auditors, with the vouchers and receipts properly abstracted and arranged, and accompanied by an account current setting forth the amount on hand at the commencement of such fiscal year; also the amount received or disbursed during the period covered thereby, and the amount on hand at the close thereof. Upon the presentation of such vouchers, receipts, abstracts, and accounts current, the Board of State Auditors shall, after an examination thereof, make a settlement with each officer designated by this act, and a full statement of such settlement shall be incorporated with and published as a part of the annual report made by such officers; and an abstract of such settlement shall be published as a part of the proceedings of the Board of State Auditors. Such settlement shall be indorsed upon the abstract by the chairman of the board, and said abstract so indorsed shall, together with all papers presented by such officer, be returned to him for safe keeping and remain on file in his office.

SEC. 9. All acts and parts of acts, so far as they contravene the provisions of this act, are hereby superseded.

Approved April 24, 1873.

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[ No. 149. ]

AN ACT to define and establish a re-insurance reserve for fire and marine insurance companies doing business in this State.

SECTION 1. *The People of the State of Michigan enact*, That it is hereby made the duty of the Commissioner of Insurance to calculate the re-insurance reserve for every fire and fire-marine insurance company organized under the laws of this State or doing business therein, by taking fifty per cent of



the premiums received on all unexpired risks that have less Idem.  
 than one year to run, and a *pro rata* of all premiums received  
 on risks that have more than one year to run: *Provided*, That Proviso.  
 when the re-insurance reserve, calculated as above, is less than  
 forty per cent of all the premiums received during the year,  
 the re-insurance reserve in such case shall be the whole of the  
 premiums received on all unexpired risks: *Provided further*, Proviso as to perpetual risks.  
 In the case of perpetual risks or policies, the whole amount of  
 the deposit or premium paid by the assured shall be deducted:  
*And provided further*, That no installment, part-paid, or Notes not allowed as assets in such calculation.  
 other notes shall be accepted or allowed as assets in calculating  
 the re-insurance reserve of any fire insurance company organ-  
 ized or doing business upon the stock plan; and in marine Reserve on marine and inland risks.  
 and inland insurance he shall charge all the premiums received  
 on unexpired risks, as a re-insurance reserve.

Approved April 24, 1873.

[ No. 150. ]

AN ACT to prevent the sale of spirituous and intoxicating drinks as a beverage, the same being a new section to chapter sixty-nine of the compiled laws of eighteen hundred and seventy-one, being an act relative to "The manufacture and sale of spirituous and intoxicating drinks as a beverage," to stand as section twenty-two.

SECTION 1. *The People of the State of Michigan enact*, That Section added.  
 there be and hereby is added to chapter sixty-nine of the com-  
 piled laws of eighteen hundred and seventy-one, relating to  
 "The manufacture and sale of spirituous and intoxicating  
 drinks as a beverage," a new section to stand as section twenty-  
 two of said chapter and read as follows:

SECTION 22. *The People of the State of Michigan enact*, That Relative to use of wheel, drawer or other devices in sale of liquors.  
 any owner or occupant of any house, dwelling, shed, or tene-  
 ment, in which spirituous and intoxicating liquors are sold or  
 bought, given away, or obtained for money or otherwise, by  
 means of any wheel, drawer, or any other device for the pur-

pose of evading the provisions of this act, shall be deemed the unlawful seller of said liquors, and shall be held responsible and subject to all the liabilities, penalties, and provisions of this act: *Provided*, That in case the owner is not the occupant of any such building, he shall be entitled to twenty days' notice in writing, of the existence of such wheel, drawer, or other device for dealing out liquors, after which notice he shall be liable to all the fines and penalties of a liquor dealer under the provisions of the act of which this is amendatory.

Approved April 24, 1873.

[ No. 151. ]

AN ACT relative to convicts in the State Prison.

SECTION 1. *The People of the State of Michigan enact*, That the board of inspectors are hereby authorized and empowered to expend from the earnings of the prison, a sum not exceeding one thousand dollars per annum in furnishing suitable instruction in reading, writing, and such other branches of education as they may deem expedient to be taught to such of the convicts as may be benefited thereby and are desirous of receiving the same. And in all contracts for the labor of the convicts, the board of inspectors shall expressly reserve time sufficient for imparting such instruction. The said board of inspectors may, at their option, employ a teacher for said prison, who shall devote his time to the instruction of the convicts in the ordinary branches of a common school education: *Provided*, Such time for instruction shall not interfere with the usual established hours of labor.

SEC. 2. The dress of the convicts in the State Prison shall hereafter be of a uniform color, to be designated by the board of inspectors, and the striped or parti-colored dress shall be abolished: *Provided, however*, That the striped dress may be

Proviso.

Amount  
board of in-  
spectors  
may expend  
in furnish-  
ing instruc-  
tion to con-  
victs.

Time to be  
reserved for  
imparting  
instruction.

Board may  
employ  
teacher.

Proviso.

Dress of  
convicts.

Proviso.

used until the cloth already purchased therefor shall have been made up and worn out.

SEC. 3. This act shall take immediate effect.

Approved April 24, 1873.

[ No. 152. ]

AN ACT to provide wives with property and maintenance from their husband's estate, when neglected or deserted by them.

SECTION 1. *The People of the State of Michigan enact, That* whenever a husband shall, without good and sufficient cause, desert his wife, or shall have deserted his wife, or being of sufficient ability to support her, shall refuse or neglect to properly provide for and suitably maintain her, being a resident of this State, the circuit court in chancery of any county in this State in which said husband or wife shall reside, shall, on the application of the wife, by petition, allot, assign, set apart, and decree to her as alimony, the use of such part of her husband's real and personal estate as the court may determine, in its discretion, and during the pendency of the proceeding may require the husband to pay such sums to carry on the proceeding, or for her support, as it shall deem necessary, in like manner as provided by section four thousand seven hundred and forty-five of the compiled laws of eighteen hundred and seventy-one, in case of suits for divorce.

Alimony in case wife is deserted or neglected by husband..

SEC. 2. In every proceeding pursuant to the preceding section the proceedings and practice therein shall be the same, as near as may be, as is now provided for by law in cases of a petition or bill for divorce and alimony, and the circuit court in chancery shall have and exercise the same power and authority therein.

Proceedings and practice under preceding section.

SEC. 3. In all proceedings brought pursuant to this act, the court may order and decree concerning the care, custody, and maintenance of the minor children of the parties, and may

Court may decree concerning care, etc., of children.

May assign  
to wife pos-  
session of  
estate of  
husband  
during pro-  
ceedings.

Support of  
wife and  
children.

Court may  
change al-  
lowance.

Proviso.

determine with which of the parties the children, or any of them shall remain, and during the pendency of the proceeding, may assign and decree to the wife the possession of any of the real and personal estate of the husband, and the court may decree the payment of a fixed sum of money for the support of such wife and minor children, and that the payment of the same be secured upon real estate, or otherwise, at such times and in such manner as may be proper, and may enforce the performance of such decree by the sale of the real estate of the husband, or otherwise, as may be necessary. And the court shall have power to change the allowance from time to time, according to circumstances, and may revoke such allowance altogether on satisfactory proof of a voluntary and permanent reconciliation: *Provided however*, That such allowance shall be only during the joint lives of such husband and wife.

Approved April 24, 1873.

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[ No. 153. ]

AN ACT to facilitate the collection of recognizances in criminal cases.

Award of  
execution  
when recog-  
nizance shall  
have become  
forfeited.

Proviso rel-  
ative to re-  
demption of  
real estate  
sold on such  
execution.

SECTION 1. *The People of the State of Michigan enact*, That whenever any recognizance to the people of this State shall have become forfeited, and a judgment entered thereon, execution shall be awarded and executed upon such judgment in the same manner as upon judgments in personal actions and with like effect: *Provided*, That if any real estate, sold by virtue of an execution awarded on such judgment, shall be redeemed, then the party so redeeming said real estate, shall pay to the purchaser thereof, his representatives or assigns, or to the register of deeds in whose office such certificate is filed, for the use of such purchaser, his representatives or assigns, the sum of money which was bid on the sale of such real estate,

together with the interest on that sum from the time of sale, at the rate of fifteen per cent per annum.

Approved April 24, 1873.

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[ No. 154. ]

AN ACT to amend sections four and five of an act entitled "An act to organize the Michigan asylum for the insane, and more effectually to provide for the care, maintenance, and recovery of the insane," approved February fourteen, eighteen hundred and fifty-nine, being sections nineteen hundred and fourteen and nineteen hundred and fifteen of the compiled laws of eighteen hundred and seventy-one.

SECTION 1. *The People of the State of Michigan enact, That* Sections amended. sections four and five of an act entitled "An act to organize the Michigan asylum for the insane, and more effectually to provide for the care, maintenance, and recovery of the insane," approved February fourteen, eighteen hundred and fifty-nine, being sections nineteen hundred and fourteen and nineteen hundred and fifteen of the compiled laws of eighteen hundred and seventy-one be and the same are hereby amended so as to read as follows:

(1914.) SEC. 4. The trustees shall appoint a medical superintendent, who shall be a well educated physician, experienced Trustees to appoint officers. in the treatment of the insane, and a treasurer, who shall give bonds for the faithful performance of his trust in such sum Bonds. and with such sureties as the Auditor General of the State shall approve. They shall also appoint, upon the nomination of the medical superintendent, a steward and chaplain, and also, in the same manner, an assistant medical superintendent and two assistant physicians; also a matron, each of whom and the medical superintendent himself shall constantly reside in the asylum.

(1915.) SEC. 5. The trustees shall, from time to time, determine the salaries and allowances of the officers, and such sala- Salaries.

ries shall not exceed, in the aggregate, the sum of ten thousand dollars for any one year.

Approved April 25, 1873.

[ No. 155. ]

AN ACT relative to the service of process upon insurance companies not incorporated under the laws of this State.

**SECTION 1.** *The People of the State of Michigan enact, That* no life, fire, inland, or marine insurance company, not incorporated under the laws of this State, shall insure property or do business in this State, until it has filed with the Commissioner of Insurance a written stipulation, duly authenticated by the company, stipulating and agreeing that any legal process affecting such company, served on the Insurance Commissioner or his deputy, shall have the same effect as if personally served on the company or its authorized attorney in this State.

**SEC. 2.** The Commissioner of Insurance shall, within three months from the passage of this act, transmit a copy thereof, with proper blanks for such stipulation, to every company authorized to do business in this State, and shall receive and file the stipulations herein provided for, and the same shall be safely kept in his office.

**SEC. 3.** So long as any liability of such stipulating company to any resident of this State shall continue, such stipulation shall not be revoked or modified, except that another shall be filed according to law.

**SEC. 4.** Service of process, according to a stipulation provided in this act, shall be sufficient personal service on the company.

**SEC. 5.** A copy of such stipulation, certified by the Commissioner of Insurance or his deputy, and a certificate that process has been duly served on him or his deputy, shall be a sufficient evidence thereof.

Sec. 6. When process against or affecting any company is served on the Commissioner of Insurance, or his deputy, the same shall be by duplicate copies, one of which shall be filed in the office of said commissioner and the other by him immediately mailed, postage prepaid, to the home office of the company, or such branch or general agency of the company, or to the address of the authorized resident attorney in this State, as the company may designate in such stipulation. How service shall be made.

Sec. 7. The word "process" in this act shall include any writ, declaration, summons, or order whereby any action, suit, or proceeding shall be commenced, or which shall be issued in or upon any action, suit, or proceeding authorized by law in this State. Meaning of the word "process," in this act.

Sec. 8. This act shall take immediate effect.

Approved April 25, 1873.

[ No. 156. ]

AN ACT to provide for the incorporation of State, county, or municipal, historical, biographical, and geographical societies.

SECTION 1. *The People of the State of Michigan enact*, That any five or more persons and their successors that may hereafter associate together for the purpose of collecting and preserving historical, biographical, or other information, in relation to the State of Michigan, or any portion thereof, may become a body corporate, by complying with the requirements of this act. Five or more persons may become a body corporate.

Sec. 2. The persons intending to become a body corporate for the above named purpose, shall publish a notice of their intention to meet for organization, three successive weeks, in at least one newspaper published nearest to the place where such meeting is to be held; said notice to state the object of the meeting, and when and where it will be held, and to be signed by at least three of the persons interested in establishing such organization; said meeting to be open to the public. Notice of intention to meet for organization

What articles of association shall specify.

SEC. 3. That articles of association adopted at the meeting provided for in the preceding section, shall specify:

*First*, The name, officers, and objects of the association ;

*Second*, The limit of property ;

*Third*, The limit of subscription of members ;

*Fourth*, The town, city, village, county, district, or extent of the territory in which the operations of the society may be carried on, or to which they are limited.

Where filed and recorded

SEC. 4. The articles of association, duly signed by each original member, together with a certificate, signed by the secretary, stating the amount of subscription paid in, must be registered in the office where the association is located, in a book kept for that purpose, and a copy of the same must be forwarded to the Secretary of State.

Corporate rights.

SEC. 5. On complying with the requirements of this act as above specified, the association so organized shall be a body corporate, and shall be capable of holding such real estate and personal property as may be necessary to carry out the objects of such society ; [and] of suing and being sued in any court of this State ; and have a common seal, and may alter or amend the same at pleasure, and be subject to the general laws of the State applicable to such societies ; may make such by-laws and regulations, not inconsistent with its articles or with the laws of this State, as may be necessary to promote the efficiency of the organization.

Duty of secretary of society if State association be organized.

SEC. 6. Should a State association be organized under this act, it shall be the duty of the Secretary of said State society to make and transmit to the State Librarian a report of the transactions of said society, including copies of papers read at its meetings or contributed by its members of facts collected by correspondence or otherwise, at the end of the month of September of each year.

Association required to report to secretary of State association.

SEC. 7. District or county, town, city, or village associations organized under this act, are hereby required to report through their secretary in the month of September in each year, to the secretary of the State association, the proceedings of said



society during the year, giving copies of papers read at its meetings or contributed by its members during the preceding year; such report from district, county, town, city, or village societies, to be used in compiling the report of the State association provided for in section six. All collections of documents, periodicals, newspapers, books, maps, pictures, specimens, and curiosities which may be made by said State society, shall be placed in the State Library in charge of the State Librarian, and shall be regarded as belonging to the State whenever said society may be dissolved, or for any cause discontinue its organization.

Collections, documents, etc., of State society to be placed in State Library.

SEC. 8. This act shall take immediate effect.

Approved April 25, 1873.

[ No. 157. ]

AN ACT to provide for the publication and distribution of the laws and documents of this State.

SECTION 1. *The People of the State of Michigan enact*, That the Board of State Auditors be and they are hereby directed and required, within twenty days after the close of any session of the Legislature of this State, to carefully examine and classify the acts passed and prepare the same for publication in bound volumes as session laws, as follows: All acts of a general character which affect the people of the whole State, shall be published in one volume, properly arranged with side notes and indexes thereto as the session laws are usually published, lettered on the back, "Public Acts, Session of 18—, Michigan." All acts of a local or municipal character, which do not affect the people of the whole State, shall be published in a second volume properly arranged with side notes and indexes, and shall be lettered on the back, "Local Acts, Session of 18—, Michigan." In case said local or municipal acts shall exceed fifteen hundred pages, they may be divided into two volumes. The style of printing shall be in long

Board of State Auditors to classify and prepare acts for publication.

Acts, how classified and published.

Style of  
printing, etc.

Publication  
of general  
acts for in-  
corporation  
of cities and  
villages.

Number of  
copies of  
first vol-  
ume of  
public acts  
to be pub-  
lished.

Additional  
copies.

Number of  
copies of  
"Local Acts"  
to be  
published.

How distrib-  
uted.

Additional  
copies.

primer solid type, the size of the page to be similar to that of the compiled laws of eighteen hundred and seventy-one. The general acts for the incorporation of cities and villages shall be published in a separate volume, properly indexed, and with marginal notes.

SEC. 2. There shall be published of the first volume of public acts of each session of the Legislature, a sufficient number of copies to supply the several persons and officers specified in section six of chapter one of the compiled laws of eighteen hundred and seventy-one, and also one copy for each and every State asylum, union school having a public library, college, and for each public library, law library, free library, or incorporated library in the State, and for each publisher of any newspaper in the State, and one hundred and fifty copies for the State Library; and the Board of State Auditors are hereby authorized to decide upon and order the publication of such additional copies, more than are necessary to supply the preceding parties, as in their judgment the public interest may demand, not exceeding one thousand copies.

SEC. 3. There shall be published of the volume or volumes containing the acts of a private or municipal character lettered "Local Acts," passed by any Legislature of this State, two thousand copies, to be bound and distributed as follows: One copy to each of the State officers, members of the Legislature passing said acts, the State institutions, public library, law library, free library, incorporated library, the library of Congress, and the State library of the several States of this Union, the judges and clerks of the United States District Courts of this State, and judges of the Supreme and Circuit Courts of this State, and the publisher of every newspaper in this State, and five copies to the clerk of each organized county for the use of the county; and the Board of State Auditors may order such number of additional copies as the interests of the State may demand, not exceeding one thousand, one hundred and fifty copies of which shall be deposited in the State Library.

**SEC. 4.** All the bound volumes of the State laws, hereafter published and distributed by virtue of this act to any State, county, or town officer, shall have marked or branded on the back thereof the words "State Property;" and the same shall not be given away or distributed by the county clerks, or any other person having the same in trust, excepting as specified in this act.

Bound volumes, how marked or branded.

Not to be given away except as specified in this act.

**SEC. 5.** Each of the reports of the several officers and boards of officers of this State, and of the different public institutions thereof, of whom annual reports are now or may hereafter be required, there shall be printed a sufficient number of copies to furnish four hundred for the use of the Senate, eleven hundred for the use of the House of Representatives, and such number for the various officers, boards of officers, or institutions making each report, as they may desire, not exceeding five hundred copies, without increase in cost of composition, or type-setting; also, two thousand copies for binding and preservation with the other joint documents of the fiscal year for which such reports were made: *Provided*, That of such reports for the twelve months ending September 30th next preceding the year in which there is to be no regular session of the Legislature, only the number of each of the reports provided above for the use of the officers making such reports, and one copy for each member of the Legislature, and the necessary number for binding with the joint documents, shall be printed: *And provided further*, That the annual report of the Secretary of State on births, marriages, and deaths shall not be bound with the joint documents, but shall be printed and bound in the same manner as hereinafter provided for the report of the Secretary of the State Board of Agriculture, and be distributed by the Secretary of State, one copy each to the supervisors, county clerks, State officers, members of the Legislature, State Boards, State institutions, and newspapers of the State, and the remainder in the discretion of the Secretary of State.

Number of copies of reports of State officers, etc., to be published

Proviso.

Proviso relative to report of Secretary of State on births, marriages, and deaths.

Distribution  
of joint  
documents.

SEC. 6. The two thousand copies of bound volumes of joint documents shall be distributed as follows: One copy to each township in the State for the use of the library thereof; also one copy for each county clerk, probate judge, and county treasurer, and two copies to each incorporated city for the use of the city library, and one copy to each other public library, free library, or incorporated library, and one hundred and fifty copies for the State library, and one copy to each publisher of a newspaper; in addition to the above, to furnish one copy of the annual report of the Superintendent of Public Instruction to each school district in the State, which shall be deposited in the library in said district, or be kept by the director of said district.

Secretary of  
State to  
oversee dis-  
tribution of  
reports, etc.

SEC. 7. It shall be the duty of the Secretary of State to direct and oversee the prompt distribution of the reports and documents mentioned in the foregoing sections.

Report of  
Secretary of  
State Board  
of Agricul-  
ture, when  
made.

SEC. 8. The Secretary of the State Board of Agriculture shall report to the Legislature at every regular session thereof, and to the Governor on the first Wednesday of January of each year when the Legislature is not in session. His report

What to em-  
brace.

shall embrace all statements, accounts, statistics, prize essays, and other information relative to agriculture in general, proceedings of the State Board of Agriculture, of the State Agricultural College and Farm, of the State Agricultural Society, and of the county and district agricultural societies, to be approved by the board. Of this report there shall be printed

Number of  
copies to be  
printed and  
bound; how  
distributed.

and bound six thousand copies annually: two thousand copies to be placed in the hands of the Secretary of State for distribution; one copy to be furnished to each newspaper; and the remaining four thousand copies shall be placed at the disposal of the State Board of Agriculture—one thousand copies to be distributed by the Secretary of said State Board of Agriculture, as the board shall direct; and the remaining three thousand copies to be distributed by the first of January in each year, by the secretary of the board to the secretaries of the



various district and county societies, as equally as may be according to the population of said counties, to be by said secretaries distributed among the various viewing committees of county and district fairs, giving one volume of such report to each of said committees as shall be present and discharge the duties of the office on the days of the county and district fairs.

SEC. 9. The Secretary of the State Pomological Society shall make a report annually, similar in character to that of the Secretary of the State Board of Agriculture, but covering the questions of fruit culture, preservation, and improvement exclusively; and said report shall be printed, bound, and distributed in equal numbers and in like manner with the report of the State Board of Agriculture, giving preference to pomological societies or associations and fruit growers, wherever such may exist within this State.

Report of Secretary of State Pomological Society.

Printing and distribution of.

SEC. 10. The official journal of the Senate and House of Representatives shall be printed in solid long primer type, same size of page as that of the compiled laws of eighteen hundred and seventy-one, bound in convenient volumes, and a sufficient number published to supply every member of the Legislature of the year when said journal is issued; also every county clerk, circuit judge, and judge of the Supreme Court of the State, every State officer every publisher of a newspaper in the State, and fifty copies for the State Library, the same to be distributed by the Secretary of State. The report of the State Board of Health shall be printed, bound, and distributed in equal number, and in like manner as the report of the State Board of Agriculture, except that instead of being distributed to those engaged in agricultural pursuits, the distribution shall be to officers and members of local boards of health and such other persons as are interested in or laboring for the promotion of the cause of public health; the same number of copies of the report being placed at the disposal of the State Board of Health as is provided of the agricultural report to the State Board of Agriculture.

Journal of Senate and House; printing and distribution of.

Report of State Board of Health; printing and distribution of.

Section  
repealed.

SEC. 11. Sections two hundred and thirty-three, three hundred and seventy-four, three hundred and seventy-five, and three thousand five hundred and forty-one of the compiled laws of eighteen hundred and seventy-one, are hereby repealed.

Approved April 25, 1873.

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[ No. 158. ]

AN ACT to amend section four of an act entitled "An act to provide for the incorporation of savings associations," approved April third, eighteen hundred and sixty-nine, as amended by act approved April seventeenth, eighteen hundred and seventy-one, being section two thousand two hundred and sixty of compiled laws of eighteen hundred and seventy-one.

Section  
amended.

SECTION 1. *The People of the State of Michigan enact*, That section four of an act entitled "An act to provide for the incorporation of savings associations," approved April third, eighteen hundred and sixty-nine, as amended April seventeenth, eighteen hundred and seventy-one, being section two thousand two hundred and sixty of compiled laws of eighteen hundred and seventy-one, be amended so as to read as follows:

Relative to  
deposits, in-  
terest, and  
loans.

(2260.) SEC. 4. Such association, when so organized, shall have power to receive deposits of money and pay interest on the same at such rates as shall be agreed upon, but in no case exceeding seven per cent per annum, and may loan such deposit money upon real estate security, to be worth twice the amount loaned thereon, and may loan such deposit money upon and invest the same in United States stocks, stocks of any of the so-called New England, Middle, or Northwestern States, and any bonds authorized by law to be issued by any county, city, or school district in this State.

SEC. 2. This act shall take immediate effect.

Approved April 25, 1873.

[ No. 159. ]

**AN ACT** making appropriations for the State Reform School for the years eighteen hundred and seventy-three and eighteen hundred and seventy-four.

**SECTION 1.** *The People of the State of Michigan enact, That* the sum of thirty thousand dollars be and the same is hereby appropriated, out of the general fund, to meet the current expenses of the State Reform School for the year eighteen hundred and seventy-three; and the further sum of thirty thousand dollars be and the same is hereby appropriated, out of the general fund, to meet the current expenses of the State Reform School for the year eighteen hundred and seventy-four; and the further sum of seven thousand dollars be and the same is hereby appropriated, out of the general fund, to meet the expenses of a new roof on the main buildings, the pointing and penciling of the main buildings and farm houses, and such other repairs, including the sum of twenty-five hundred dollars for the lighting by gas, as the Board of Control may deem necessary and expedient; and the further sum of five hundred dollars be and the same is hereby appropriated, out of the general fund, to meet the expense of desirable additions to the library; and the further sum of two hundred dollars for each of the years eighteen hundred and seventy-three and eighteen hundred and seventy-four, be and the same is hereby appropriated, out of the general fund, to be expended under the direction of the Board of Control in furnishing for the use of the boys such current literature and newspapers as they may deem of interest to the boys, and as will tend to promote their education and reform.

**SEC. 2.** That the several sums appropriated by the provisions of this act shall be passed to the credit of the State Reform School, and paid to the Board of Control, officer, or person and persons entitled to receive the same, at such times and in such manner and amounts only as are provided by law, and as may be made to appear to the Auditor General to be necessary.

Provision to  
meet appro-  
priation.

SEC. 3. The sum of thirty-three thousand nine hundred and fifty dollars the Auditor General shall add to and incorporate with the State tax for the year eighteen hundred and seventy-three, and the sum of thirty-three thousand and nine hundred and fifty dollars the Auditor General shall add to and incorporate with the State tax for the year eighteen hundred and seventy-four, which sums, when collected, shall be passed to the credit of the general fund.

SEC. 4. This act shall take immediate effect.

Approved April 25, 1873.

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[ No. 160. ]

AN ACT to amend section one (1) of an act to prevent the adulteration of coal oil, being section seven thousand seven hundred and thirty-one, chapter two hundred and fifty of the compiled laws of eighteen hundred and seventy-one.

Section  
amended.

SECTION 1. *The People of the State of Michigan enact*, That section one of an act to prevent the adulteration of coal oil, being section seven thousand seven hundred and thirty-one, chapter two hundred and fifty of the compiled laws of eighteen hundred and seventy-one, be amended so as to read as follows:

Adulterated  
oil; making,  
sale, and use  
of prohib-  
ited.

SEC. 1. No person shall fraudulently adulterate for the purpose of sale or for use, any coal or kerosene oils to be used for lights, in such a manner as to render them dangerous to use, nor shall any person knowingly sell or offer to sell, or knowingly use such adulterated oil, nor shall any person knowingly sell or offer for sale or knowingly use any coal or kerosene oil, or any of the products thereof, which by reason of being adulterated, or for any other reason will at the temperature of one hundred and fifty degrees of Farenheit's thermometer emit an explosive gas or take fire on applying thereto or plunging therein a well lighted match: *Provided*, That the quantity used in the test shall not be less than one-half pint: *And further provided*, That the gas or vapor from said oils

Proviso.

Further  
proviso.



may be used for illuminating purposes when the oils from which said gas or vapor is generated are contained in reservoirs under ground outside of the building illuminated or lighted by said gas. Any person violating the provisions of this act, Penalty. shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by imprisonment in the county jail not more than one year, or by fine not exceeding four hundred dollars, or by both fine and imprisonment, in the discretion of the court.

SEC. 2. This act shall take immediate effect.

Approved April 25, 1873.

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[ No. 161. ]

AN ACT to provide upon the sale of lands, whether by levy, mortgage, judgment, or decree, for the discharge of the same from the records of the register of deeds.

SECTION 1. *The People of the State of Michigan enact, That* By whom and where discharge shall be made. in all cases of redemption of lands sold on execution; or in all cases of the sale of lands on mortgage foreclosure, whether by advertisement or chancery sale; or in all cases of payment of judgments or decrees where the record shows a levy, or any other lien by mortgage, levy, or *lis pendens*, it shall and may be lawful and it is hereby made the duty of the officer making such sale, or the person receiving such money, on receiving of such money to discharge such levy, judgment, mortgage, or decree from the record of the register of deeds, in the proper county in which such sale is made.

SEC. 2. This act shall take immediate effect.

Approved April 25, 1873.

[ No. 162. ]

AN ACT to provide for keeping more complete accounts in the educational, charitable, and penal institutions of the State.

Account of moneys received and disbursed, etc., to be kept.

How kept when farming and gardening operations are carried on.

How kept when manufacturing operations are carried on.

SECTION 1. *The People of the State of Michigan enact, That* every educational, charitable, and penal institution of this State shall, in proper books for that purpose, keep a regular account of all moneys received and disbursed, and the receipts from and expenditures for and on account of each department of business or for improvement of the premises; and in those institutions where farming and gardening operations are carried on, the accounts shall be so kept as to show, as near as practicable, the cost of carrying on the farm and garden, and the quantity and value of the productions of the same, with the cost of the cattle, swine, or poultry raised or fattened for the use of the institution, and the quantity and value thereof; and where manufacturing operations are carried on, the cost and result of each separate branch of manufacture, and the quantity and value of all manufactured articles sold or used in the institution, so as to clearly exhibit the receipts and expenditures in each department of business carried on in the institution, and the cost of maintaining and subsisting each inmate therein.

SEC. 2. This act shall take immediate effect.

Approved April 25, 1873.

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[ No. 163. ]

AN ACT to amend chapter ninety-two of the compiled laws of eighteen hundred and seventy-one, entitled "An act to authorize the formation of corporations for building and leasing houses and other tenements."

Chapter amended.

SECTION 1. *The People of the State of Michigan enact, That* chapter ninety-two of the compiled laws of eighteen hundred and seventy-one be so amended as to read as follows:

SECTION 1. *The People of the State of Michigan enact, That* Under what provisions they may be formed.  
 corporations for the purpose of laying out, platting, and  
 improvement of freehold lands, and for selling or leasing such  
 lands in one or more lots, and also for the purpose of building,  
 selling, or leasing houses, tenements, or other structures, may  
 be formed in the same manner as manufacturing companies,  
 under the provisions of an act entitled "An act to authorize  
 the formation of corporations for mining, smelting, and manu-  
 facturing iron, copper, mineral coal, silver, or other ores or  
 minerals, and for other manufacturing purposes," approved  
 February five, eighteen hundred and fifty-three, and the acts  
 amendatory thereof; and shall have and possess all the rights, Rights and liabilities.  
 and be subject to all the liabilities of manufacturing com-  
 panies, provided in said act, and the acts amendatory thereof,  
 so far as the same are applicable to corporations formed under  
 and by authority of this act.

SEC. 2. Every corporation organized pursuant to the provi- Power to borrow money and issue bonds.  
 sions and by authority of this act, shall by its corporate name  
 have power to borrow money, and issue its bonds therefor, and  
 for any debts of the corporation, and to acquire, own, and hold  
 all such real and personal estate as may be necessary for the Hold estate.  
 purpose of carrying on the business of such corporation, and  
 the same, or any part thereof, convey, lease, or demise, mort-  
 gage, use, and dispose of at pleasure: *Provided, That the* Provide.  
 lands which any such corporation may hold at any one time  
 shall not exceed eight hundred acres.

SEC. 2. This act shall take immediate effect.

Approved April 25, 1873.

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[ No. 164. ]

AN ACT to amend section twelve of chapter fifty-eight of  
 the revised statutes of eighteen hundred and forty-six, being  
 section three thousand five hundred and ninety-three in  
 chapter one hundred and thirty-six of the compiled laws,  
 relative to primary schools.

SECTION 1. *The People of the State of Michigan enact, That*

Section  
amended.

section twelve of chapter fifty-eight of the revised statutes of eighteen hundred and forty-six, being section three thousand five hundred and ninety-three, in chapter one hundred and thirty-six in the compiled laws, be and the same is hereby amended so as to read as follows:

Special  
meetings.

[3593.] SEC. 12. Special meetings may be called by the district board, and it shall be the duty of said board, or any one of them, to call such meetings on the written request of not less than five legal voters of the district, by giving the notice required in the next succeeding section; and the questions upon which the district is empowered to act in section twenty-four of this act, at the annual meeting, may, instead thereof, be determined at a special meeting called for that purpose at any time within two months previous to the annual meeting.

Notice must  
specify the  
business.

No business shall be transacted at a special meeting unless the subject is indicated in the notice for said meeting.

Approved April 25, 1873.

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[ No. 165. ]

AN ACT to amend section thirty-nine (39) of chapter one hundred and seventy-seven (177), compiled laws of eighteen hundred and seventy-one, being compiler's section five thousand two hundred and thirty, relative to probate's courts.

Section  
amended.

SECTION 1. *The People of the State of Michigan enact, That* section thirty-nine (39) of chapter one hundred and seventy-seven (177) of the compiled laws of eighteen hundred and seventy-one, be amended so as to read as follows:

County to  
furnish  
books, etc.,  
for judge of  
probate.

SEC. 39. Each county shall provide all books, printed blanks, and other stationery necessary for keeping the records in the office of the judge of probate, and such amount of fuel each year as may be needed for the use of said office.

Approved April 25, 1873.

[ No. 166. ]

**AN ACT** to provide for determining and regulating the tolls, and for the care, charge, and operating of Portage Lake and Lake Superior Ship Canal.

**SECTION 1.** *The People of the State of Michigan enact, That* the Governor, Auditor General, and State Treasurer are hereby constituted and appointed a Board of Control of Portage Lake and Lake Superior Ship Canal.

Board of  
Control of  
Portage  
Lake and  
Lake Super-  
ior Ship  
Canal.

**SEC. 2.** It shall be the duty of said Board of Control to establish and regulate the tolls on said canal, to make such rules and regulations regarding the care and improvement of the same, the passage of vessels through said canal, and collecting of tolls of vessels, as may be necessary; to appoint a superintendent to have charge of the same. Such Board of Control shall (each) be entitled to three dollars and their expenses, for every day actually spent in the discharge of their duties under this act, which shall be paid by the State Treasurer out of the Portage Lake and Lake Superior Ship Canal fund.

Duty of  
board.

Compensa-  
tion.

**SEC. 3.** The superintendent, before he enters upon the duties of his office, shall take and subscribe to the constitutional oath of office, and shall give a bond in the sum of twenty thousand dollars, with two or more sureties, conditioned for a faithful discharge of the duties of his office, which bond shall be approved by the Board of Control, and shall be deposited, together with his oath of office, by said superintendent, in the office of the Secretary of State, within twenty days after his appointment, who shall file and preserve the same in his office.

Superin-  
tendent;  
oath of office  
and bond of.

**SEC. 4.** The superintendent shall have the charge, care, and operating of said canal, and shall be authorized to employ such assistants as shall be necessary for operating and keeping the same in repair; and shall keep a correct account of all moneys paid for such repairs, or to such assistants, and shall be empowered to remove all obstructions to such canal, under

General  
powers and  
duties of  
superintend-  
ent.

such rules and regulations as shall be prescribed by said Board of Control; and it shall be the duty of said superintendent on the last day of each month on which tolls are taken, to transmit to said board a statement of the condition and business of said canal, of all repairs made for the current month, and of such future repairs and expenditures as he may deem necessary for the usefulness of said canal; and shall make all such repairs or alterations as shall be directed by said Board of Control; and it shall be the duty of said superintendent to inquire and obtain from the master or owner of any steamboat, propeller, or vessel navigating said canal, a statement of their several bills of lading or cargo, and also the number of passengers. It shall also be the duty of said superintendent to make an annual report to the Governor of this State, on or before the last Monday of December in each year, containing a full statement of the receipts and expenses in operating the canal during the year or since last report.

Annual  
report.

Tolls to be  
paid.

SEC. 5. Before any vessel shall be allowed to pass into or through said canal, there shall be paid by the master or owner of such vessel, to the superintendent, such tolls on every ton of such vessel's enrolled tonnage or measurement as may be established by said Board of Control. But no toll or other charge shall be collected upon tug boats, provided they are not employed in carrying freight or passengers, or upon vessels of the United States engaged in public service. It shall be the duty of said superintendent to keep a record of all vessels passing through said canal, exhibiting the name of the vessel and captain, tonnage, place of enrollment, whether steamboat, propeller, or sail vessel, and the amount of tolls collected on such vessel, and on the last day of each month shall send a copy of such record to said Board of Control.

Vessels ex-  
empt.

Record of  
vessels to be  
kept.

Money col-  
lected to be  
paid to State  
Treasurer.

SEC. 6. The superintendent shall, on the last day of each month in which toll is collected, or at such other time as the State Treasurer shall direct, pay to said State Treasurer in such funds and in such place and manner as said Treasurer

may at any time direct, all tolls or moneys collected over and above a sum not exceeding five hundred dollars, after paying the actual and necessary expense for the care, repairs, and operating of said canal (subject in all cases to the approval of said Board of Control), and the tolls or moneys paid as aforesaid to the State Treasurer, shall be known as the Portage Lake and Lake Superior Ship Canal Fund, and may be drawn out of said treasury for uses of said canal by order from Board of Control.

SEC. 7. If at any time the tolls of said canal paid into the canal fund as aforesaid shall not be sufficient for any necessary or extraordinary repairs of said canal, the State Treasurer is authorized and empowered to pay or advance such sum or sums from any money in the Treasury of this State not otherwise appropriated, as shall be ordered by said Board of Control for said repairs, not exceeding ten thousand dollars in any one year; the said sum or sums of money so paid or advanced to be reimbursed to said State Treasurer, with lawful interest on the same, from said canal fund.

When tolls not sufficient for repairs State Treasurer to advance money.

SEC. 8. If any person shall willfully obstruct or in anywise injure said canal, or harbor, or improvements, or any dock, wharf, or fixture connected therewith, or shall violate any rule or regulation established by said Board of Control, such person, or such boat or vessel, or other craft as the superintendent and Board of Control may elect, shall be liable for all damages done or committed, and such damages, if against a person, may be recovered in action of trespass, and if proved to have been willfully done, treble damages may be recovered. Any such claim for damages, if the Board of Control shall so elect, shall be a lien upon any such boat, or vessel, or other craft, and such lien may be enforced under the existing provisions of the law therefor.

Penalty for injuring canal, etc.

Claim for damages may be made a lien upon boats, etc.

SEC. 9. The term of office of superintendent shall commence on the first day of July next, and continue two years, or until his successor in office is appointed and ready to enter upon his duties; and said superintendent shall receive such salary as

Term of office of superintendent.

shall be fixed by and established by said Board of Control, not exceeding one thousand five hundred dollars per annum, to be paid out of said canal fund.

Removal of  
superintendent.

Vacancy,  
how filled.

SEC. 10. Said superintendent shall be subject to removal for cause, by the said Board of Control, and if a vacancy shall occur by removal or otherwise the said board shall fill such vacancy, and the person so appointed shall hold his office during the remainder of the term unless sooner removed.

Construction  
of act.

SEC. 11. Nothing in this act contained shall be taken or construed to be an acceptance by the State of the work, or an acknowledgment or admission that the said canal has been completed, or that the work done has been done in accordance with the terms of the contract for the construction of said canal.

When act to  
take effect.

SEC. 12. This act shall take effect on and after the Governor has certified that said canal is completed according to plans and specifications, and filed a copy of said certificate in the office of the Secretary of State and with the register of deeds of Houghton county.

Approved April 25, 1873.

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[ No. 167. ]

### AN ACT relating to jail records and reports.

Sheriff or  
jailor to keep  
records.

What records  
shall contain.

Idem.

SECTION 1. *The People of the State of Michigan enact, That* it shall be the duty of the sheriff or jailor having charge of any jail in this State, to keep in regular books to be provided for that purpose, at the expense of the county, a detailed statement showing the name, nativity, age, sex, occupation, offense charged, date of admission, time of discharge, escape or commitment to State Prison, House of Correction, or Reform School, and social condition of each prisoner committed to such jail, with a brief description of his or her habits and previous history; such record shall also show the amount received for boarding each prisoner; the amount paid for medical attendance and clothing for each prisoner; the amount paid for fur-



nitare and repairs to the jail, and the amount paid for all other necessary supplies, so as to show the total cost of maintaining the jail during the year and the average cost of keeping each prisoner therein, together with a statement of the amount received from the avails of labor performed by prisoners; and in order that said records may be kept uniformly throughout the State, it is hereby made the duty of the Secretary of State to prepare and furnish each of said officers with forms suitable for keeping said records in a systematic manner, and said records shall thereafter be kept in the manner so prescribed.

*Secretary of State to furnish suitable forms of records.*

SEC. 2. It shall be the duty of the sheriff of each county, on or before the thirtieth day of September in each year, to report to the Secretary of State, in such form as such Secretary shall direct, the condition of such jail during the preceding year, which report shall contain a statement of the whole number of males and females committed to the jail; the number for minor offenses; the number charged with the commission of higher crimes; the number under eighteen years of age; the number convicted and sent to the State Prison, Houses of Correction, or Reform School; the number detained as witnesses or debtors; the whole number that have escaped from the jail during the year, with a statement of the whole sum received by the sheriff during the year for boarding prisoners; the cost of medical attendance and clothing, and the total cost of maintaining the jail, and the average cost of keeping each prisoner during the same period, and a statement of the total sum received from the avails of the labor of the prisoners, and such other facts as may be necessary to give a clear exhibit of the population of the jail during the preceding year, and file with the county clerk for the use of the board of supervisors a duplicate copy of such report, on or before their annual meeting.

*Sheriff to make report to Secretary of State.*

*Contents of report.*

*Copy to be filed with county clerk*

SEC. 3. Any sheriff or jailor who shall neglect or refuse to make such record or report, as aforesaid, or who shall willfully make any false report, shall be guilty of a misdemeanor, and,

*Penalty for refusal to make report or for making false report.*

Notice to  
prosecuting  
attorney.

on conviction thereof, may be punished by a fine not exceeding three hundred dollars; and the Secretary of State shall give notice to the prosecuting attorney of the county of every such neglect, refusal, or misconduct.

Secretary of  
State to pre-  
sent abstract  
of report to  
Governor.

SEC. 4. The Secretary of State shall annually, on or before the first day of December, present to the Governor an abstract of said report.

SEC. 5. This act shall take immediate effect.

Approved April 25, 1873.

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[ No. 168. ]

AN ACT to provide for the custody and safe keeping of persons who are tried for murder and other high crimes, and are acquitted by reason of insanity.

Jury before  
whom a per-  
son is tried  
for murder,  
etc., to pass  
upon ques-  
tion of in-  
sanity.

SECTION 1. *The People of the State of Michigan enact, That* whenever any person shall be prosecuted or tried in any of the courts of this State, upon indictment, or information for murder in the first or second degree, or assault with intent to commit murder, or for the crime of arson, and shall set up or interpose in person, or by counsel, insanity, as a defense for the committing of such crime, it shall be the duty of the jury before whom such person shall be tried, to find specially whether such defendant was, or was not insane when the alleged crime was committed; and in case the jury shall find the defendant to have been insane when said crime was committed, their verdict shall be "not guilty by reason of such insanity."

Commit-  
ment to in-  
sane hospi-  
tal of person  
acquitted by  
reason of  
insanity.

SEC. 2. Any person acquitted of either of the crimes mentioned in the first section of this act by reason of such insanity and finding of the jury as mentioned and referred to in said section, shall be committed to the insane hospital connected with the State Prison, and shall only be released therefrom on the certificate of the Medical Superintendent of the Insane Asylum at Kalamazoo, and the circuit judge of the

circuit from which such person was sent to said hospital, setting forth that said person has so far recovered from the alleged insanity as to be safe to go at large. On filing such certificate with the Governor, it shall be his duty to at once order the release of such person from confinement.

SEC. 3. The superintendent of the Insane Asylum at Kalamazoo, and the circuit judge named in section two of this act, shall attend at the State Prison and make examination of all such persons as may be confined therein as provided in this act, whenever called upon to do so by the inspectors of said State Prison; and the actual expenses of such superintendent and circuit judge, while in the performance of their duties as herein provided, shall be audited and paid by the Board of State Auditors.

Who to make examination of person thus confined.

Expenses.

Approved April 25, 1873.

[ No. 169. ]

AN ACT requiring settlers under the homestead laws of the United States to pay taxes after a residence of five years.

SECTION 1. *The People of the State of Michigan enact*, That it shall be the duty of the supervisor of every township in Michigan where lands have been donated to actual settlers under the homestead laws of the United States, after any such lands shall have been entered and settled upon under said laws for a period of five years and over, and not forfeited, to assess and enter upon the assessment roll of his township a description or descriptions of such lands and assess the same to the settlers thereon in the same manner as other lands are assessed in his township, and notwithstanding the patents for such lands may not have been issued by the United States: *Provided*, That the same shall be assessed as personal property and not as real estate, and the tax thereon shall be collected in

Duty of supervisors relative to assessment of homestead lands.

Provide.

the same manner as other taxes on personal property are by law required to be collected and accounted for.

SEC. 2. This act shall take immediate effect.

Approved April 25, 1873.

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[ No. 170. ]

AN ACT to establish a State House of Correction, and make appropriation therefor.

Governor to  
appoint  
board to se-  
lect site for  
State House  
of Cor-  
rection.

SECTION 1. *The People of the State of Michigan enact, That* the Governor shall appoint three persons, citizens of this State, who shall constitute a board for the purpose of selecting and securing to the State a suitable site for a State House of Correction, and to provide plans, specifications, and estimates for the necessary buildings to be erected thereon.

Power of  
board.

SEC. 2. The said board shall have power to receive proposals for the donation of land to the State for such site, and to receive the same by gift on behalf of the State, the deeds for which shall be duly executed to the people of this State and delivered to the Secretary of State. And in the event that no suitable site for said House of Correction is donated to the State, on or before the first day of July, eighteen hundred and seventy-four, then said board shall have power to make a contract or contracts for a suitable site, conditioned that the Legislature to meet in January, eighteen hundred and seventy-five, shall confirm the same, by making the necessary appropriation to complete the purchase thereof.

Board to  
report state-  
ment of  
doings, etc.

SEC. 3. Said board shall, on or before the first day of December, eighteen hundred and seventy-four, report a full statement of their doings as such board, including the plans, specifications, and estimates provided for herein, and such provisional contract or contracts as they may have made, and

Governor to  
lay same  
before Legis-  
lature.

any recommendations they may deem advisable; and the Governor shall lay the same before the next Legislature, with such

recommendations concerning the same as he shall think best. And said board, while engaged in their duties as herein provided, shall be entitled to their actual expenses, which shall be audited and paid by the Board of State Auditors. Expenses of board.

SEC. 4. The sum of twenty-five hundred dollars is hereby appropriated out of any funds in the treasury not otherwise appropriated, for the purpose of carrying out the provisions of this act. Appropriation.

Approved April 25, 1873.

[ No. 171. ]

AN ACT establishing a State agency for the care of juvenile offenders.

SECTION 1. *The People of the State of Michigan enact, That* the Governor may appoint in each county of this State, an agent of the Board of State Commissioners for the general supervision of charitable, penal, pauper, and reformatory institutions, who shall hold his office at the pleasure of the Governor. Before entering upon the duties of his office, and within thirty days after receiving notice of his appointment, said agent shall take and file with the county clerk of the county for which he was appointed, the oath of office prescribed by the constitution of this State, and upon such qualification it shall be the duty of the county clerk to immediately transmit notice thereof to the circuit judge, the probate judge, each justice of the peace, and all other magistrates of the county having competent jurisdiction for the trial of juvenile offenders. Said agent shall receive no compensation for his time or services, but his actual expenses necessarily incurred while engaged in the performance of his duties under this act, on being fully stated in account, and verified by the affidavit of the agent, and approved by the Governor, shall be paid by the State Treasurer on the warrant of the Auditor General, out of any money in the treasury not otherwise appropriated. Appointment of agents in the several counties. Oath of office. Notice of qualification to magistrate. Expenses of agent.

Court to  
notify agent  
of com-  
plaint  
against child

Agent to  
make exam-  
ination of  
parentage,  
etc., and re-  
port to court

Court may  
order return  
of child to  
parents.

May author-  
ize agent to  
bind out.

May cause  
to be sent to  
State Public  
School, or  
house of  
correction  
or the Re-  
form School.

Agent to  
visit inden-  
tured chil-  
dren, etc., at  
least once a  
year,

And inquire  
into treat-  
ment.

**SEC. 2.** Whenever a complaint is made or pending against any boy or girl under the age of sixteen years, for the commission of any offense not punishable by law with imprisonment for life, before any court or magistrate having competent jurisdiction thereof, it shall be the duty of such court or magistrate, before proceeding to hear or determine the case, to give notice in writing of the pendency thereof to said agent, who shall have opportunity allowed him to investigate the charge or charges; and upon receiving such notice, the agent shall immediately proceed to inquire into and make a full examination of the parentage and surroundings of the child, and of all the facts and circumstances of the case, and report the same to the court or magistrate, who shall advise and counsel with the said agent; and if upon such consultation, after full investigation and proof of the offense charged, it shall appear to the court that the public interest and the interest of such child will be best subserved thereby, he may make an order for the return of such child to his or her parents, guardian, or friends; or he may authorize said agent, under the advice and approval of the judge of probate of the county, to take such child and bind him or her out to some suitable person until he or she shall have attained the age of twenty-one years, or for any less time; or if the child appear to be willfully wayward and unmanageable the court may cause him to be sent to the Reform School, or to a house of correction authorized by law to receive such boy or girl, subject to such conditions of sex and age as are now provided by law for the reception of children in said school.

**SEC. 3.** Said agent shall as often as once in each year visit all children, resident in the county for which he is appointed, who shall have been indentured or placed in charge of any person therein by any State board or officer of the State, and shall inquire into the management, condition, and treatment of such children, and for that purpose may have private interviews with such children at any time; and if it shall come to the knowledge of such agent that any child thus placed in charge

of any person as aforesaid, is neglected, abused, or improperly treated by the person having such child in charge, or that the person holding the child is unfit to have the care thereof, he shall report the fact to the board or officers of the institution by which such child was indentured, and such board or officers shall cancel the contract and cause the child to be returned to the institution from whence he or she was taken, or indentured to some other person, or to be discharged, in the discretion of the board or officers. In all contracts or indentures for binding out children from any State institution, the officers making the same shall expressly reserve the right to cancel the contract whenever in their judgment the interests of the child are not properly cared for.

Report when child is neglected or abused.

Board to cancel contract.

In all indentures, etc., right to cancel to be reserved.

SEC. 4. No child shall be indentured, adopted, or taken during minority, by any person not of kin thereto, from a State institution until notice of an application therefor has been given to the agent aforesaid residing in the county from which such application is made, and until his report in writing, made after an investigation into the propriety thereof, has been made and filed with the officers of such institution. And all applications for the release or discharge of any children so indentured or placed in charge of persons in such county, shall be given to said agent for his report in like manner.

Proceedings when persons not of kin wish to adopt, etc.

Relative to release of indentured children.

SEC. 5. It shall be the duty of said agents in their respective counties, to seek out suitable persons who are willing to adopt, take charge of, educate, and maintain children arrested for offenses, committed to any State institution, or abandoned and neglected children in charge of any State institution or officers, and to give notice thereof to the boards or officers having authority to dispose of such children. And said agents shall from time to time make report of their doings under this section, to the board of which they are the agents.

Agents to seek out suitable persons to adopt children.

To report to board.

SEC. 6. It shall be the duty of the Superintendent of the Reform School, and the principal officer of any State institution for the care or reformation of juvenile offenders now or

Superintendent of Reform School, etc., to notify agent of inmates of discharge.

Agent to  
assist child  
returned to  
county.

To keep his-  
tory of child  
discharged,  
and report  
from time to  
time.

Application  
of act.

hereafter to be established, upon the discharge of any boy or girl received therein, forthwith to notify the agent of the Board of State Commissioners for the General Supervision of Charitable, Penal, Pauper, and Reformatory Institutions residing in the county from which such child was sent, of such discharge; and if the boy or girl so discharged shall return to such county, the agent shall, as far as possible, assist him or her in procuring suitable employment and a good home free from immoral and evil influences. Said agent shall also keep a brief history of each child within his county discharged as aforesaid, in a manner and form to be prescribed by the board of which he is agent, and report the same from time to time to said board as it may require, to the end that the effect of the treatment and discipline of the several institutions of the State for the care and reformation of juvenile delinquents upon their discharge therefrom may be better known and understood.

SEC. 7. This act shall not apply to any county of the State in which no agent shall be appointed by the Governor under and by virtue of the provisions hereof.

SEC. 8. This act shall take immediate effect.

Approved April 29, 1873.

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[ No. 172. ]

AN ACT to authorize the acceptance of trusts making the State trustee for insane persons and to provide for the execution of such trusts.

Wills  
making  
State trustee  
for insane  
persons  
legalized.

SECTION 1. *The People of the State of Michigan enact, That* any will by which any real or personal estate may be directed to be sold or converted into money and the proceeds paid over to this State, or to the treasurer thereof, in trust for any insane person, and any will bequeathing any money to this State or the people thereof in trust for any insane person, is hereby declared to be legal and valid, as to such trust, and the trust



so reposed and declared shall be accepted subject to the conditions, restrictions, and limitations, contained in this act.

SEC. 2. Such will shall be executed as prescribed by the laws relating to wills devising real or personal estate, and the validity thereof as to the persons who may make the same, and the mode and manner of execution shall be determined by the same rules as wills devising real or personal estate are determined or decided. The person in trust for whom such devise or bequest shall have been made, shall be an insane person, and at the time such will shall become operative, shall be confined in a State or county asylum, county jail, work-house, poor-house, or other place controlled or managed by State, county, city, town, or other public authority. No trust shall be accepted under this act unless the moneys so bequeathed, or the proceeds of sale of real or personal estate so devised or bequeathed, shall amount to at least five hundred dollars.

How executed, and rules for determining validity, etc.

Person must be insane and confined

Condition of acceptance of trust.

SEC. 3. It shall be the duty of any officer with whom any will containing such devise or bequest shall be filed, after being informed of the death of the testator, and of any officer to whom any will containing any such devise or bequest shall be presented for probate, immediately thereafter to notify the State Treasurer and the Attorney General of such filing or presentation, and it shall be the duty of the Attorney General upon being so notified, or upon being otherwise informed of the execution of any such will, and of the death of the testator, to institute and carry on all necessary suits and proceedings to secure the payment into the State Treasury of all moneys which, under this act and in pursuance of such trust, may be received by the State Treasurer.

Proceedings upon death of testator.

SEC. 4. It shall be the duty of the executor or administrator of such will to pay to the State Treasurer, all moneys which may be payable to the State, or the people thereof, as trustee of any such trust, and the said moneys when so received by the State Treasurer, shall be placed by him to the credit of the fund to be known as the (naming the insane person) "In-

Executor or administrator to pay moneys to State Treasurer.

Moneys, how credited

Interest.

sane trust fund," and interest on the same shall be computed annually at the rate of seven per cent, and such interest and trust fund shall be paid out for the benefit of the persons for whom such trust may be created, and as provided by this act.

Board of Trustees of Michigan Asylum for Insane to have charge of such persons.

Relative to board, clothing, medicines, etc., of those confined at Asylum, and expense thereof.

SEC. 5. The Board of Trustees of the Michigan Asylum for the Insane shall have charge of all persons for whose benefit any such trust shall be created, and of all expenditures payable by such interest or insane trust fund. Any such insane person confined at the Michigan Asylum for the Insane, while the said interest and trust fund shall be sufficient for that purpose, shall be furnished with lodging, board, clothing, medicines, medical, and such other attendance, care, comforts, and conveniences, as are usually, and in accordance with the rules of such asylum, allowed to other patients whose support shall be paid for by private persons, and at the same rate of charges. And said board shall, so far as it may be possible, but within their reasonable discretion, regulate the expenditures on behalf of such insane person, so that the same may be defrayed from the interest authorized to be paid on the principal of the fund so created for his benefit. If the interest shall be insufficient, such expenditures may be made from the principal of the fund. And if any sum may be received from any source for the support and care of such person, the moneys so received shall be first applied to the payment of such expenditure in preference to such interest or trust fund. Should any such insane person be removed from such asylum, by his legal custodian or guardian, while so insane, such expenditure on his behalf shall cease; and such interest or trust fund shall remain unappropriated until such person shall be returned to the asylum, or the same shall be paid out as hereinafter provided by this act.

Persons confined in other places to be removed to Asylum.

SEC. 6. If any person for whose benefit any such trust shall be created, shall be confined in any of the places mentioned in the first section of this act, other than a State asylum, the Board of Trustees of the Michigan Asylum for the Insane

shall cause such person to be removed to said Michigan Asylum, and shall there provide for the support of such person, the same as provided by the section in reference to persons confined in said asylum.

SEC. 7. If any insane person for whose benefit any such trust shall have been created, shall become sane or shall die, the Board of Trustees of said Michigan Insane Asylum shall certify to the Auditor General and State Treasurer that such person has so become sane and is no longer in need of support from such asylum by reason of prior insanity, or is dead; and the State Treasurer, upon the warrant of the Auditor General, shall pay to such person or persons as may be entitled thereto under the will by which such trust fund has been created, the balance, if any, of principal and interest standing to the credit of such trust fund. And if such will shall not provide for or make any disposition of such fund in such cases, then such moneys shall be paid to the person for whose benefit such fund has been created, if he be living and sane, and if he be dead, then to his legal representative.

Proceedings when person becomes sane or dies.

SEC. 8. Immediately upon receipt of moneys into the State Treasury under the act, the State Treasurer shall notify the Auditor General, and Board of Trustees of the Michigan Asylum for the Insane of the amount thereof, and of the name of the person for whose benefit the fund has been created, and all payments from the treasury under the act shall be on the warrant of the Auditor General, upon vouchers duly approved by, and filed with the Auditor General by the said Board of Trustees, the same as other moneys are drawn from the treasury by said Board of Trustees for such asylum.

Duty of State Treasurer upon receipt of moneys.

Payments from treasury, how made.

SEC. 9. If at any time hereafter any new State insane asylum be constructed by this State, the board of trustees or other governing body, by whatever name called, of such new insane asylum, shall have the same powers and perform the same duties hereby given to and imposed upon the Board of Trustees of said Michigan Asylum, should the person for whose

Powers and duties of Board of Trustees of new State Asylum, in such cases, should one be constructed.

delay in payment thereof, and for all dues which may accrue to the State from said parties, which lien of the State shall take precedence of demands, judgments, decrees or other liens of whatever character.

Penalty for refusal to report receipts.

SEC. 5. Failure to make a report as required, and within the time limited in section three of this act, shall be construed as a refusal to make such report on the part of the corporation, association, or party so failing; and on the refusal of any corporation, association, or party to make said report, the proceedings shall be in all respects, and with like effect, and in the manner prescribed by "An act to authorize the Auditor General to assess by estimate specific taxes upon corporations which neglect or refuse the report as required by law upon which specific taxes are computed, and to provide for the collection of the same," approved March 29th, 1872, and the acts supplementary or amendatory thereto, or extending the provisions thereof, except that if the Auditor General has no knowledge of there being an office of such corporation or other party in this State, then the said Auditor General may issue his warrant in the same manner, and with like effect, to the sheriff of any county through which any of the cars used for the purposes mentioned in sections one and two of this act may pass.

Penalty for reporting receipts falsely.

SEC. 6. Any corporation, or other party, subject to the specific tax imposed by this act, which shall willfully make a false report, shall be liable to a penalty of one thousand dollars, which penalty shall be deemed to have accrued at the date of such false report, and to the payment of double the rate of taxation imposed by sections one and two hereof.

Sheriff's levy in case of refusal to pay tax.

SEC. 7. If the taxes above imposed are not paid within the time prescribed, the Auditor General may issue his warrant to the sheriff of any county in the State, commanding him to forthwith levy the same, together with ten per cent for his fees, by distress and sale of any of the property of the corporation, or other party neglecting or refusing to pay such

tax, wherever the same may be found in this State, and to pay over the same, reserving his fees, to the State Treasurer, within ten days after the same is collected.

SEC. 8. The sheriff shall give not less than five nor more than ten days' public notice of the seizure of such property, and of the time and place of sale thereof, by advertisement, to be posted up in three public places in the township, city, or village where such sale is to be made, and such sale shall be by public auction, in the township, city, or village where such property is situated. The sheriff shall send a copy of such notice by mail to the corporation or party whose property is to be sold, if he can ascertain the postoffice address of such corporation or party.

Notice of seizure and sale of property,

SEC. 9. At the time advertised the sheriff shall proceed to offer such property for sale. If there be no bidders therefor, or if for other reasons he deem it inexpedient to proceed with such sale, said sheriff may adjourn such sale to such other time, not exceeding thirty days, as he shall determine, when he shall again proceed to offer such property for sale, and shall sell the same to the highest bidder. If the property so distrained cannot be sold, or if it be sold but for an amount insufficient to pay the tax and fees, the sheriff shall levy upon other property of such corporation, or party, if any can be found within the county, and shall advertise and sell the same as provided above, and so continue until the warrant is satisfied. If property sufficient cannot be found, the sheriff shall return a statement to that effect to the Auditor General, who may, for so much of the tax as is so returned as uncollected, issue another warrant with like effect to the sheriff of another county, who shall proceed in the manner as above prescribed.

Sheriff's sale.

Adjournment thereof.

Proceedings in case tax-warrant is not satisfied.

SEC. 10. This act shall take immediate effect.

Approved April 29, 1873.

delay in payment thereof, and for all dues which may accrue to the State from said parties, which lien of the State shall take precedence of demands, judgments, decrees or other liens of whatever character.

Penalty for refusal to report receipts.

SEC. 5. Failure to make a report as required, and within the time limited in section three of this act, shall be construed as a refusal to make such report on the part of the corporation, association, or party so failing; and on the refusal of any corporation, association, or party to make said report, the proceedings shall be in all respects, and with like effect, and in the manner prescribed by "An act to authorize the Auditor General to assess by estimate specific taxes upon corporations which neglect or refuse the report as required by law upon which specific taxes are computed, and to provide for the collection of the same," approved March 29th, 1872, and the acts supplementary or amendatory thereto, or extending the provisions thereof, except that if the Auditor General has no knowledge of there being an office of such corporation or other party in this State, then the said Auditor General may issue his warrant in the same manner, and with like effect, to the sheriff of any county through which any of the cars used for the purposes mentioned in sections one and two of this act may pass.

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tax, wherever the same may be found in this State, and to pay over the same, reserving his fees, to the State Treasurer, within ten days after the same is collected.

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Sheriff's sale.

Adjournment thereof.

Proceedings in case tax-warrant is not satisfied.

SEC. 10. This act shall take immediate effect.

Approved April 29, 1873.

[ No. 174. ]

AN ACT to amend section four (4) of an act entitled "An act to confirm deeds and instruments intended for the conveyance of real estate in certain cases," being section four thousand two hundred and fifty-three (4253) in chapter one hundred and fifty (150) of the compiled laws of eighteen hundred and seventy-one.

Section  
amended.

SECTION 1. *The People of the State of Michigan enact, That* section four (4) of an act entitled "An act to confirm deeds and instruments intended for the conveyance of real estate in certain cases," being section four thousand two hundred and fifty-three (4253) in chapter one hundred and fifty (150) of the compiled laws of eighteen hundred and seventy-one, be and the same is amended so as to read as follows :

Defective  
instruments  
made in  
good faith  
not void.

(4253.) SEC. 4. No conveyance of land or instrument intended to operate as such conveyance, made in good faith and upon a valuable consideration, whether heretofore made or hereafter to be made, shall be wholly void by reason of any defect in any statutory requisite in the sealing, signing, attestation, acknowledgment, or certificate of acknowledgment thereof; nor shall any deed or conveyance, heretofore or hereafter to be made, designed and intended to operate as a conveyance to any religious or benevolent society or corporation, be wholly void by reason of any mistake in the name or description of the grantee, nor because of any failure of such society or corporation to comply with any statutory provisions concerning the organization of such society or corporation :

Proviso.

*Provided*, Such society or corporation shall hereafter comply with the provisions of the statute touching the organization or incorporation of such societies; but the same, when not otherwise effectual to the purposes intended, may be allowed to operate as an agreement for a proper and lawful conveyance of the premises in question, and may be enforced specifically by suit in equity in any court of competent jurisdiction, subject to the rights of subsequent purchasers in good faith and for a valuable consideration; and when any such defective

Enforce-  
ment in  
court.



instrument has been or shall hereafter be recorded in the office of the register of deeds of the county in which such lands are situate, such record shall hereafter operate as legal notice of all the rights secured by such instrument. Record thereof to be made.

SEC. 2. This act shall take immediate effect.

Approved April 29, 1873.

[ No. 175. ]

AN ACT for the limitation of actions relating to real estate in certain cases by persons absent from the United States.

SECTION 1. *The People of the State of Michigan enact, That* when any person entitled to bring and maintain an action for the recovery of any lands, or for the possession thereof, was or shall be, at the time when such right first accrued, or shall first accrue, absent from the United States, such action shall be brought within twenty years from the time such action first accrued, or shall first accrue, and not afterwards: *Provided*, That when such action accrued, eighteen years and more from the time of the passage of this act, such action may be brought within five years from the date of such passage, unless such action had already become barred by some other law applicable thereto: *And further provided*, That when such absent person was, or shall be, at the time of the accruing of the right of action, under the age of twenty-one years, a married woman, insane, or imprisoned, such person, or any one claiming under him, or her, may bring such action at any time within five years after the disabilities last aforesaid have been or shall be removed, although the time first above limited may have expired. Action must be brought within twenty years. Proviso. Proviso relative to persons under disability.

SEC. 2. The provisions of the foregoing section shall not apply to persons absent, or residing in any of the provinces of British North America, where the right of action has accrued since the thirty-first day of December, in the year eighteen hundred and sixty-three, or shall hereafter accrue. Provisions of foregoing section, when not to apply.

Approved April 29, 1873.

[ No. 176. ]

AN ACT to amend an act entitled "An act to provide for a uniform assessment of property and for the collection and return of taxes thereon," approved April sixth, eighteen hundred and sixty-nine, by adding one new section thereto.

Section  
added.

SECTION 1. *The People of the State of Michigan enact, That* an act entitled "An act to provide for a uniform assessment of property, and for the collection and return of taxes thereon," approved April sixth, eighteen hundred and sixty-nine, being chapter twenty-one of the compiled laws of eighteen hundred and seventy-one, be amended by adding one new section thereto, to be known as section one hundred and sixty-nine, as follows:

Auditor  
General to  
transmit  
lists of lands  
redeemed,  
etc., to coun-  
ty treasurer  
once in each  
month.

SEC. 169. The Auditor General shall, once in each month, transmit to the treasurer of each county, lists of all lands which may be redeemed, or in which the interest of the State, on bids made by it, may have been assigned, or for which a deed may have been made during the preceding month. Such

What lists  
shall state.

lists shall state by whom the redemption was made, or to whom the State bid was assigned, or to whom a deed was made, the date of such redemption, assignment, or deed, and when the State bid is assigned or deed made, the residence of the assignee or grantee. And upon receiving such list the county treasurer shall enter in the sales book of the year for which the sale was made, opposite the description of the lands affected thereby, a brief note or statement of such redemption, assignment, or deed, as the case may be, the date thereof, and any other of the said matters set forth in said list affecting such lands.

Duty of  
treasurer  
upon receipt  
of list.

Approved April 29, 1873.

[ No. 177. ]

AN ACT to provide for the collection and printing of the laws of the Territory of Michigan.

Commission-  
er to compile  
laws of Ter-  
ritory, etc.

SECTION 1. *The People of the State of Michigan enact, That* it shall be the duty of the Governor to appoint a commissioner,

whose duty it shall be to collect together the laws of the territory of Michigan, which are not embraced in a volume of territorial laws issued by the Board of State Auditors in the year eighteen hundred and seventy-two, and numbered volume one; the same to comprise all laws of a general, local, or private nature, and to be printed without alteration, under their appropriate titles, and arranged in the order of the dates of their approval, with marginal notes and references and an index thereto; the same to be numbered volumes two and three.

SEC. 2. It shall be the duty of the Governor to appoint a commissioner, whose duty it shall be to examine the laws so collected and arranged, and if found by him to be correctly arranged and prepared, to certify the same to the Governor, who shall then direct the Auditor General to draw his warrant on the State Treasurer for the compensation hereafter awarded to the compiler and examining commissioner for their services.

Commissioner to examine compilation.

Provision for payment of commissioners.

SEC. 3. Said laws when so collected and examined shall be printed and bound in two volumes under the direction of the compiler, in as substantial a manner as the compiled laws of this State, one thousand copies of which shall be deposited in the office of the Secretary of State by the first day of January, eighteen hundred and seventy-four.

Laws, how printed and bound.

Number of copies.

SEC. 4. The person so appointed by the Governor to collect the laws of the territory as aforesaid, shall be entitled to the custody and use of all manuscripts and documents connected with the government and laws of the territory of Michigan, which he may need for the completion of his work, during such time as is necessary, and he shall give to the Secretary of State his personal bond for their safe return when the said volume shall be completed.

Compiler entitled to custody and use of documents, etc., necessary for compilation.

Bond for safe return of same.

SEC. 5. The person so appointed by the Governor to collect and arrange the laws of the territory as aforesaid, shall be entitled to receive for such services the sum of eight hundred dollars, which sum shall cover all expenses for such services and assistance; and the commissioner appointed to examine the same

Compensation of commissioners.

as aforesaid, shall receive for such services the sum of one hundred and fifty dollars.

Secretary of State to furnish certain persons with sets of territorial laws.

SEC. 6. The Secretary of State is hereby authorized and directed to furnish to each of the judges of the Supreme Court and each of the circuit judges of this State one set each of these territorial laws when so completed, and one set to each member of the Legislature, and shall also forward to each county clerk two sets of the same, one set for each county to be delivered to the judge of probate of the same, and the other set to be retained in the office of the county clerk; the same to be kept for the use of the public, and upon the expiration of their terms of office, to be transmitted by them to their successors in office.

To be kept for public use, and transmitted to successors in office.

State Treasurer authorized to sell.

SEC. 7. The State Treasurer is hereby authorized and directed to sell, from time to time, any number of the laws of the territory of Michigan, when printed and bound as aforesaid, at a fair price, not less than the actual cost thereof, reserving for distribution the number provided for in section six of this act.

SEC. 8. This act shall take immediate effect.

Approved April 29, 1873.

[ No. 178. ]

AN ACT for the Incorporation of Cities.

CHAPTER I—Incorporation of Villages as Cities; Re-incorporation of Cities; Incorporation by Legislative Action; Effect of Incorporation.	CHAPTER XVII—Harbors, Wharves, and Harbor-Masters.
CHAPTER II—Annexation of Territory.	CHAPTER XVIII—Ferries.
CHAPTER III—Wards.	CHAPTER XIX—Markets.
CHAPTER IV—Electors and Registration.	CHAPTER XX—Public Buildings, Grounds, and Parks.
CHAPTER V—Officers; Qualifications; Vacancies in Office.	CHAPTER XXI—Sewers, Drains, and Water-Courses.
CHAPTER VI—Elections.	CHAPTER XXII—Streets & Public Grounds.
CHAPTER VII—Duties and Compensation of Officers.	CHAPTER XXIII—Sidewalks.
CHAPTER VIII—The City Council.	CHAPTER XXIV—Cost of Improvements; Special Assessments.
CHAPTER IX—Ordinances.	CHAPTER XXV—Appropriation of Public Property.
CHAPTER X—Enforcement of Ordinances.	CHAPTER XXVI—Finance and Taxation.
CHAPTER XI—Corporate Powers of City.	CHAPTER XXVII—Assessment and Collection of Taxes.
CHAPTER XII—Police.	CHAPTER XXVIII—Education.
CHAPTER XIII—City Prison.	CHAPTER XXIX—Fire Department.
CHAPTER XIV—Public Health.	CHAPTER XXX—Miscellaneous.
CHAPTER XV—Cemeteries.	
CHAPTER XVI—Pounds.	

SECTION 1: *The People of the State of Michigan enact, That cities may be incorporated in the manner prescribed in this act.*

## CHAPTER I.

### INCORPORATION OF VILLAGES AS CITIES.

SEC. 2. Whenever one hundred freeholders, residing within Petition. any incorporated village, containing population, as shown by the last preceding Federal or State census, or by the census herein provided for, of not less than three thousand persons, Minimum population. shall desire to have such village incorporated as a city under the provisions of this act, they may present a petition for that purpose to the common council or board of trustees of the village. If such village, at the time of taking the last preceding Federal or State census, contained, as shown thereby, a population of less than three thousand persons, the common council or board of trustees, shall, upon receiving such petition, cause a special census of the inhabitants of the village Special census. to be taken by one or more persons whom they shall appoint for that purpose. Such census shall contain the names of all the inhabitants of the village, arranged in alphabetical order, and shall be verified by the oath or affirmation of the person or persons taking the same.

SEC. 3. If it shall appear by such last mentioned Federal or Question of incorporation to be submitted to a vote of electors. State census, or by the special census taken as aforesaid, that the village contains the requisite population, the common council or board of trustees, by a resolution to be entered in the record of their proceedings, reciting the presentation of said petition and the object thereof, and that the village contains the requisite population of three thousand persons, shall submit the question as to whether the village shall be incorporated as a city under this act, to a vote of the electors of the village at the next annual village election, or to a special election, to be called and appointed in and by such resolution, if so requested in said petition.

## EFFECT OF INCORPORATION.

Bodies  
politic and  
corporate.

SEC. 24. All cities organized under or subject to the provisions of this act, shall be bodies politic and corporate under and by the name assumed by them in their declarations of incorporation, or designated in the special acts re-incorporating them subject to the provisions herein; and by such name may sue and be sued, contract and be contracted with, acquire and hold real and personal property for the purposes for which they are incorporated, have a common seal and change the same at pleasure, and exercise all the powers in this act conferred.

Courts to  
take judicial  
notice of  
proceedings  
under this  
act.

SEC. 25. Judicial notice shall be taken in all courts and proceedings in this State, of the existence of all cities incorporated or re-incorporated under or subject to the provisions of this act, and of the change of organization of any city or village from its former organization to its incorporation under or subject to the provisions of this act, and of all changes at any time made in the corporate limits of any city by the annexation of territory thereto or otherwise, and of the boundaries of all wards, and of all changes made at any time in the boundaries of any ward in any such city; and from the time of such incorporation or change of organization the provisions of the act shall be applicable to such cities, and all laws in conflict therewith shall no longer be applicable.

By-laws,  
etc., in force  
at time of  
re-incorporation.

SEC. 26. All ordinances, by-laws, and resolutions, in force in any city or village, when it shall be incorporated under this act, and not inconsistent herewith, shall continue in full force and effect until repealed or amended by the council established by this act.

Rights and  
property  
vested in  
new corporation.

SEC. 27. All rights and property of any kind and description which were vested in any [city] or village corporation under its former organization, shall, upon its incorporation or re-incorporation under or subject to this act, be deemed and held to be vested in the new corporation created by this act; and

no rights or liabilities, either in favor of or against such former corporation, existing at the time of its re-incorporation, under or subject to the provisions of this act, and no suit or prosecution of any kind shall be in any manner affected by such change, but the same shall stand or progress as if no such change had been made, and all debts and liabilities of the former corporation shall be deemed to be the debts and liabilities of the new corporation, and all taxes levied and uncollected at the time of such change shall be collected the same as if such change had not been made: *Provided*, That when a different Proviso. remedy is given in this act, which can be made applicable to any rights existing at the time of the incorporation of the city under or subject to this act, the same shall be deemed cumulative to the remedies before provided, and may be used accordingly.

## CHAPTER II.

### ANNEXATION OF TERRITORY.

SECTION 1. The inhabitants residing upon any territory adjacent to any city incorporated under — act, may, at their own request, be annexed to such city in manner following: On request of inhabitants of such territory.

SEC. 2. Application for such purpose shall be by petition to the board of supervisors of the county in which said territory is located, and shall be signed by a majority of the freehold electors residing upon said territory. It shall contain the name or names of some person or persons who are authorized to act as agent or agents of the petitioners in securing the annexation, and shall fully describe the said territory, and be accompanied by an accurate map thereof, and with a list or census of the freehold electors residing upon such territory, made within sixty days next preceding the filing of said petition, and verified by the affidavit of the person making such list. Notice of the time and place where the application will be made, and of the object of the petition, shall be given by publication of such notice in one of the newspapers of the city, Petition for, to board of supervisors. Publication and posting of notice.

Proof of  
publication.

and by posting copies thereof in five of the most public places upon said territory at least one month before presenting said petition to the board. Proof of the publication and posting aforesaid shall be made by affidavit to be filed with the petition.

Action of  
board of su-  
pervisors on  
the petition.

SEC. 3. Said petition with the map, census list, and proofs, mentioned in the preceding section, may be presented to the board of supervisors at the time designated in said notice, and if no sufficient objection be made to appear thereto, the board may, by resolution reciting the filing and object of the petition and the description of said territory, consent to the annexation.

Clerk of  
board to  
certify action  
to council.

Upon the passage of such resolution the clerk of the board shall make and certify a transcript thereof and a copy of said map to the city council.

Council may  
by ordinance  
declare the  
territory an-  
nexed.

SEC. 4. Upon receiving said transcript from the clerk of the board the city council may, by ordinance referring to the transcript and describing said territory, consent to the application and declare the territory annexed to the city; but a rejection of the application shall not bar new proceedings for the same purpose.

Copy of or-  
dinance to  
be filed with  
Secretary of  
State and  
county clerk

SEC. 5. If the application for annexation be accepted by the council, the city clerk shall make two copies of said transcript and of the ordinance of annexation, and certify the same under his hand and the seal of the city to be correct, one of which certified copies shall be filed and recorded in the office of the Secretary of State, and the other in the office of the county clerk of the county where the said territory is located.

Acquisition  
of territory  
by council.

SEC. 6. Whenever any city, incorporated under this act, shall desire to enlarge its corporate limits by the annexation of adjacent territory, the council may, by resolution describing the territory sought to be acquired, authorize its annexation, and shall in the same resolution designate the time when an application will be made to the board of supervisors of the proper county for that purpose.

Publication  
and posting  
of notice of  
application.

SEC. 7. Notice of the intended application shall be given by publication of a copy of said resolution in one of the news-



Papers of the city, and by posting copies thereof in five of the most public places in the said territory, at least one month before the time appointed for making the application. Proof of the publication and posting of said resolution as aforesaid shall be made by affidavit. Proof of publication.

SEC. 8. Upon presenting a certified copy of said resolution and a map of the territory sought to be annexed, with proof of the publication and posting aforesaid, to said board of supervisors, at the time designated in said resolution, the board, if no sufficient objection is made thereto, may, by resolution reciting the resolution of the council and describing such territory, consent and authorize the annexation thereof; and thereupon the clerk of the board shall certify a transcript of said resolution of consent, with said map, to the city council; whereupon, the city council may, by ordinance referring to said transcript and describing the territory, declare the same annexed to the city; and the city clerk shall then make and certify like copies of the ordinance and transcript, as provided in section five of this chapter, and file the same for record in the offices of the Secretary of State and of the county clerk of the proper county. Action of board on the application.  
Clerk of board to certify to council.  
Ordinance of annexation.  
Where filed and recorded

SEC. 9. Whenever certified copies of the ordinance of annexation and transcript of the resolution of the board of supervisors shall have been filed in the office of Secretary of State, as provided in sections five and eight, the territory therein described, and sought to be annexed, shall be deemed and taken to be a part and parcel of the city; and the inhabitants residing thereon shall have and enjoy all the rights and privileges of the inhabitants within the original limits of the city. Certified copies of said ordinances and transcripts, so filed in the office of Secretary of State or county clerk, or of the record thereof, shall be *prima facie* evidence of the matters therein stated, and of the legal annexation of the territory therein described. When filed territory deemed part of city.  
Certified copies evidence.

**Powers and  
duties of in-  
spectors.**

**SEC. 14.** Said inspectors shall be inspectors of such first election in their respective wards, and shall have the same powers, and perform the same duties at the election, and in respect to the canvass of the votes, and in making and returning written statements and certificates of the votes cast, and for whom given, as are required of inspectors of the annual city elections provided for in this act, except that said written statements and certificates shall be deposited with the village clerk or recorder, and the village council or board of trustees shall respectively perform the same duties in respect to the canvass of the votes and returns, and in determining and certifying what persons were elected to office, and in notifying such persons of their election as are required of the city clerk and council in respect to said annual city elections.

#### RE-INCORPORATION OF CITIES.

**Petition.**

**SEC. 15.** Whenever one hundred freeholders residing within any city incorporated by special enactment of the Legislature, shall present a petition to the common council thereof, requesting that such city may be incorporated as a city under and subject to the provisions of this act, the common council shall, by resolution reciting the presentation of such petition and the object thereof, submit the question whether said city shall be incorporated under and subject to the provisions of this act, to a vote of the electors of the city, at the next annual city election, or at a special election, which may be appointed in and by said resolution, if so requested in the petition.

**Submission  
of question  
to electors.**

**Notice.**

**SEC. 16.** At least thirty days before the time of holding any election at which the question mentioned in the preceding section shall be submitted to a vote of the electors, the mayor of the city shall give public notice of the time and place or places of holding such election, and that the question as to whether the city shall be incorporated under and subject to the provisions of this act, will be submitted to vote at the

election. Such notice shall be given by posting printed copies thereof in five of the most public places in each ward of the city, and by publishing the same at least once in each week during said thirty days, in some newspaper printed and circulated in the city. How given.

SEC. 17. At such election, all persons having the qualifications of electors at the annual city elections may vote upon the question of such incorporation; those voting in the affirmative shall use a ballot containing the words, "For the incorporation;" and those in the negative a ballot with the words, "Against the incorporation." The ballots shall be deposited in a separate box, and the poll lists of the election shall be so kept as to show the names of all persons voting upon said question. In all other respects, the election and voting shall be conducted in the same manner, and the judges or inspectors of election shall be the same, and the canvass of the votes shall be within the same time and in the same manner as at the annual elections of the city. The inspectors of election shall certify in writing to the common council at its next regular meeting after the canvass of such votes, the whole number of votes cast upon the question of incorporation, and the number thereof given in the affirmative, and the number of those in the negative, upon such question. Who entitled to vote.  
Form of ballot.  
Certificate of canvass.

SEC. 18. Upon receiving the certificate of canvass mentioned in the preceding section, if it shall appear to the common council that a majority of all the votes legally given at such election upon the question of such incorporation were given in favor of the incorporation, the common council shall, in and by a resolution to be entered in the record of their proceedings, recite the fact that at said election, stating the date thereof, the question as to whether said city should be incorporated under and subject to the provisions of this act, was submitted to a vote of the electors of the city, and that a majority of those voting upon the question voted for the incorporation, and shall, in the same resolution, declare that Resolution for record by the council of the submission of the question, etc., when vote is favorable.

in accordance with said vote the said city shall be incorporated under and subject to the provisions of this act, by the name of "The city of ——," (stating the name thereof.)

Name.

Clerk to record resolution.

SEC. 19. Immediately upon the adoption of the resolution mentioned in the last preceding section, the recorder, or city clerk, shall record the same in the record of the proceedings of the council, and the common council shall cause a copy to be made of so much of the record of the proceedings of the meeting at which said resolution was adopted, as may be necessary to show the time and place of such meeting, and the names of the members of the council who were present, and the passage of said resolution, including a true copy thereof; and shall cause to be annexed to such copy of said record and resolution, the certificate of the mayor and recorder or city clerk, under their hands and the corporate seal of the city, showing the same to be truly copied from said record, which said certified copy of the record and resolution aforesaid, shall be designated as a "declaration of incorporation," and shall be transmitted to the Secretary of State, who shall file and record the same in his office. And a like certified copy, or declaration of incorporation, shall be filed and recorded in a book to be kept for that purpose, in the office of the county clerk of the county in which said city is located.

Such declaration to be filed and recorded in the offices of Secretary of State and county clerk

When filed, city to be deemed incorporated.

SEC. 20. When the declaration of incorporation mentioned in the last preceding section shall be filed in the office of the Secretary of State, as therein directed, the said city shall be deemed in law to be, and shall be duly incorporated under and subject to the provisions of this act, by the name expressed in said declaration of incorporation; and the declaration of incorporation filed in the office of the Secretary of State, and in the office of the county clerk aforesaid, or the records thereof, or certified copies of such records, shall be *prima facie* evidence of the due and legal incorporation of said city under the provisions of this act.

Certified copies to be evidence of incorporation.

SEC. 21. After the incorporation of the city under and subject to the provisions of this act as aforesaid, the government and affairs of the former city corporation shall continue and proceed as before, and all of its officers shall remain in office and exercise their powers and duties as such officers, except as herein otherwise provided, until the city officers and members of the council first elected under the new corporation, or a majority of them, shall enter upon the duties of their offices; and all ordinances and by-laws of the old corporation not inconsistent with the provisions of this act, shall continue in force until repealed by the council of the new corporation.

When former government to cease.

Old ordinances to continue in force until repealed, etc.

SEC. 22. The first election of officers for the new corporation shall be held on the first Monday in April next, after the filing of the declaration of incorporation in the office of the Secretary of State; and notice thereof and of the officers to be elected thereat, shall be given, and the election held and conducted, the votes canvassed, the result determined, and notice given to persons elected, in the same manner and within the same time as in annual elections of the former city corporation, and by the same persons and officers whose duty it was to perform the like services under the old corporation.

First election in new corporation.

#### INCORPORATION BY LEGISLATIVE ENACTMENT.

SEC. 23. Cities and villages incorporated by special acts of the Legislature, and villages incorporated under the general laws of the State, may, by like special enactments be re-incorporated as cities under the provisions of this act; and, unless otherwise provided in the act of re-incorporation, the first election in and for such new corporation shall be held on the first Monday of April next thereafter; and the provisions of the last preceding section shall apply thereto. By like enactment, the corporate limits of cities organized under this act may be enlarged or diminished.

How re-incorporated under this act.

First election.

Enlargement etc., of corporate limits.

## EFFECT OF INCORPORATION.

Bodies  
politic and  
corporate.

SEC. 24. All cities organized under or subject to the provisions of this act, shall be bodies politic and corporate under and by the name assumed by them in their declarations of incorporation, or designated in the special acts re-incorporating them subject to the provisions herein; and by such name may sue and be sued, contract and be contracted with, acquire and hold real and personal property for the purposes for which they are incorporated, have a common seal and change the same at pleasure, and exercise all the powers in this act conferred.

Courts to  
take judicial  
notice of  
proceedings  
under this  
act.

SEC. 25. Judicial notice shall be taken in all courts and proceedings in this State, of the existence of all cities incorporated or re-incorporated under or subject to the provisions of this act, and of the change of organization of any city or village from its former organization to its incorporation under or subject to the provisions of this act, and of all changes at any time made in the corporate limits of any city by the annexation of territory thereto or otherwise, and of the boundaries of all wards, and of all changes made at any time in the boundaries of any ward in any such city; and from the time of such incorporation or change of organization the provisions of the act shall be applicable to such cities, and all laws in conflict therewith shall no longer be applicable.

By-laws,  
etc., in force  
at time of  
re-incorporation.

SEC. 26. All ordinances, by-laws, and resolutions, in force in any city or village, when it shall be incorporated under this act, and not inconsistent herewith, shall continue in full force and effect until repealed or amended by the council established by this act.

Rights and  
property  
vested in  
new corporation.

SEC. 27. All rights and property of any kind and description which were vested in any [city] or village corporation under its former organization, shall, upon its incorporation or re-incorporation under or subject to this act, be deemed and held to be vested in the new corporation created by this act; and

no rights or liabilities, either in favor of or against such former corporation, existing at the time of its re-incorporation, under or subject to the provisions of this act, and no suit or prosecution of any kind shall be in any manner affected by such change, but the same shall stand or progress as if no such change had been made, and all debts and liabilities of the former corporation shall be deemed to be the debts and liabilities of the new corporation, and all taxes levied and uncollected at the time of such change shall be collected the same as if such change had not been made: *Provided*, That when a different Proviso. remedy is given in this act, which can be made applicable to any rights existing at the time of the incorporation of the city under or subject to this act, the same shall be deemed cumulative to the remedies before provided, and may be used accordingly.

## CHAPTER II.

### ANNEXATION OF TERRITORY.

SECTION 1. The inhabitants residing upon any territory adjacent to any city incorporated under — act, may, at their own request, be annexed to such city in manner following: On request of inhabitants of such territory.

SEC. 2. Application for such purpose shall be by petition to the board of supervisors of the county in which said territory Petition for, to board of supervisors. is located, and shall be signed by a majority of the freehold electors residing upon said territory. It shall contain the name or names of some person or persons who are authorized to act as agent or agents of the petitioners in securing the annexation, and shall fully describe the said territory, and be accompanied by an accurate map thereof, and with a list or census of the freehold electors residing upon such territory, made within sixty days next preceding the filing of said petition, and verified by the affidavit of the person making such list. Notice of the time and place where the application will be made, and of the object of the petition, shall be given by Publication and posting of notice. publication of such notice in one of the newspapers of the city,

and by posting copies thereof in five of the most public places upon said territory at least one month before presenting said petition to the board. Proof of the publication and posting aforesaid shall be made by affidavit to be filed with the petition.

Proof of publication.

Action of board of supervisors on the petition.

SEC. 3. Said petition with the map, census list, and proofs mentioned in the preceding section, may be presented to the board of supervisors at the time designated in said notice, and if no sufficient objection be made to appear thereto, the board may, by resolution reciting the filing and object of the petition and the description of said territory, consent to the annexation.

Clerk of board to certify action to council.

Upon the passage of such resolution the clerk of the board shall make and certify a transcript thereof and a copy of said map to the city council.

Council may by ordinance declare the territory annexed.

SEC. 4. Upon receiving said transcript from the clerk of the board the city council may, by ordinance referring to the transcript and describing said territory, consent to the application and declare the territory annexed to the city; but a rejection of the application shall not bar new proceedings for the same purpose.

Copy of ordinance to be filed with Secretary of State and county clerk

SEC. 5. If the application for annexation be accepted by the council, the city clerk shall make two copies of said transcript and of the ordinance of annexation, and certify the same under his hand and the seal of the city to be correct, one of which certified copies shall be filed and recorded in the office of the Secretary of State, and the other in the office of the county clerk of the county where the said territory is located.

Acquisition of territory by council.

SEC. 6. Whenever any city, incorporated under this act, shall desire to enlarge its corporate limits by the annexation of adjacent territory, the council may, by resolution describing the territory sought to be acquired, authorize its annexation, and shall in the same resolution designate the time when an application will be made to the board of supervisors of the proper county for that purpose.

Publication and posting of notice of application.

SEC. 7. Notice of the intended application shall be given by publication of a copy of said resolution in one of the news-



**p**apers of the city, and by posting copies thereof in five of the **m**ost public places in the said territory, at least one month **b**efore the time appointed for making the application. **P**roof Proof of publication. **o**f the publication and posting of said resolution as aforesaid **s**hall be made by affidavit.

**S**EC. 8. Upon presenting a certified copy of said resolution Action of board on the application. **a**nd a map of the territory sought to be annexed, with proof **o**f the publication and posting aforesaid, to said board of **s**upervisors, at the time designated in said resolution, the board, **i**f no sufficient objection is made thereto, may, by resolution **r**eciting the resolution of the council and describing such **t**erritory, consent and authorize the annexation thereof; **a**nd thereupon the clerk of the board shall certify a tran- Clerk of board to certify to council. **s**cript of said resolution of consent, with said map, to the **C**ity council; whereupon, the city council may, by ordinance Ordinance of annexation. **r**eferring to said transcript and describing the territory, declare **t**he same annexed to the city; and the city clerk shall then Where filed and recorded **m**ake and certify like copies of the ordinance and transcript, as provided in section five of this chapter, and file the same for record in the offices of the Secretary of State and of the county clerk of the proper county.

**S**EC. 9. Whenever certified copies of the ordinance of When filed territory deemed part of city. annexation and transcript of the resolution of the board of supervisors shall have been filed in the office of Secretary of State, as provided in sections five and eight, the territory therein described, and sought to be annexed, shall be deemed and taken to be a part and parcel of the city; and the inhabitants residing thereon shall have and enjoy all the rights and privileges of the inhabitants within the original limits of the city. Certified copies of said ordinances and transcripts, so Certified copies evidence. filed in the office of Secretary of State or county clerk, or of the record thereof, shall be *prima facie* evidence of the matters therein stated, and of the legal annexation of the territory therein described.

## CHAPTER III.

## WARDS.

Wards under previous incorporation.

SECTION 1. The wards established by the village council or board of trustees, as provided in section ten, chapter one of this act, and the wards established in any incorporated city at the time of its re-incorporation under the provisions of this act, shall continue to be the wards of such city, until changed by the council.

Division of cities into wards.

SEC. 2. Cities having a population of three thousand inhabitants shall be divided into two wards, and an additional ward for every additional two thousand inhabitants up to ten thousand inhabitants, and from ten thousand inhabitants one ward for each additional four thousand inhabitants. But any city having, at the time of its incorporation under this act, a greater number of wards in proportion to its population than above mentioned shall not be required to diminish the number of its existing wards.

Re-districting or changing wards.

SEC. 3. Whenever the council shall deem it expedient, they may, by ordinance enacted by a concurring vote of not less than two-thirds of the aldermen in office, re-district the city into wards; divide any ward or change the boundaries thereof; establish new wards, and increase the number of the wards of the city, within the limit prescribed in the preceding section.

Notice of intention to change ward boundaries.

SEC. 4. Upon the introduction of such ordinance the council shall require of the city clerk to give notice thereof, and of the change proposed thereby in any ward or wards, by publishing such notice in some newspaper published in the city, for three weeks before the council shall proceed to the passage of the ordinance.

Resolutions relative to ward boundaries.

SEC. 5. All wards which may be established by the council, and all changes in the existing wards, shall be bounded by streets, alleys, avenues, public grounds, streams of water, or corporation lines; and the wards, as established or changed, shall be composed of adjacent territory, and shall be as compact

as may be; and in establishing, changing, or re-districting the wards, it shall be so done as to give the several wards as nearly an equal number of inhabitants as may be practicable.

SEC. 6. No change in the boundary of any ward shall be made within twenty days next preceding an election therein. When boundaries shall not be changed. No election of aldermen or ward officers shall be held in any Election of aldermen in new wards. newly-established ward, or in any ward, on account of changes in the boundaries thereof previous to the next annual city election; nor shall the office of any alderman or other officer elected in any ward be vacated by reason of any change in such ward; but any such alderman and other officer shall, during the remainder of his term, continue in office and to represent the ward including the place of his residence at the time of the change of the boundaries of the ward, unless the office become vacant for some other cause.

SEC. 7. When by the erection of a new ward two aldermen First election of aldermen in new wards. are to be elected therein at the same time, one of them shall be elected for one year, and one for two years, and the terms of each shall be designated on the ballots.

## CHAPTER IV.

### ELECTORS AND REGISTRATION.

SECTION 1. The inhabitants of cities incorporated under this act, having the qualifications of electors under the Constitution of the State, and no others, shall be electors therein. Who deemed to be electors

SEC. 2. Every elector shall vote in the ward where he shall have resided during the ten days next preceding the day of election. Where entitled to vote. The residence of any elector, not being a householder, shall be deemed to be in the ward in which he boards or takes his regular meals.

### REGISTRATION.

SEC. 3. The aldermen of each ward shall constitute the board of registration therein, except as in this act otherwise provided. Board of registration. If by reason of a change of boundary of any ward, or the form-

ation of a new ward, or other cause, there shall not be any or a sufficient number of aldermen representing such ward to constitute a board of registration of two persons, the council may [shall] supply the vacancy or appoint a board of registration for the ward.

Registration  
in case of the  
change of  
ward bound-  
aries.

SEC. 4. When changes shall be made in any ward or wards, or a new ward shall be formed in whole or in part from the territory of other wards, the boards of registration of the respective wards affected by the change shall meet previous to the time prescribed by law for giving notice of their sessions preceding the next election, and the name of each registered elector known to have been transferred by such change from one ward to another ward, or to the new ward, shall be copied into the register of the ward to which the transfer was made, and be stricken from the register of the ward from which the elector was transferred by the change.

Registration  
in new  
wards.

SEC. 5. When a new ward shall be formed, the board of registration thereof, at its session next preceding the next election therein, shall make or complete a new register of the electors residing therein, and for that purpose shall remain in session three days; and notice of the formation of such ward, and that a new register of the electors will be made at that session, shall be given with the notice required by law to be given of such session of the board.

Re-registra-  
tion to be  
made in fall  
of 1876 and  
every four  
years there-  
after.

SEC. 6. The boards of registration in cities incorporated under this act, at their sessions previous to the general election in November, in the year one thousand eight hundred and seventy-six, shall make a re-registration of the qualified electors of their respective wards, in books of the form provided by law. The same rules shall be observed in such registration as are provided by law for the registration of in cities; and a like re-registration of the electors of each ward shall be made at the session of the board next preceding the general election, in the year eighteen hundred and eighty, and every fourth year thereafter. When such new registry shall be made the former reg-

istry of electors shall not be used, nor shall any person vote at any election in such ward after such re-registration unless his name shall be registered in such new register. Notice that such re-registration is required to be made shall be given with the notice of the meeting or session of the board at which it is to be made.

## CHAPTER V.

### OFFICERS.

SECTION 1. In cities incorporated under this act the following city officers, viz: a mayor, city marshal, city clerk, city treasurer, city collector, street commissioner, three school inspectors, four justices of the peace, and in cities having but three wards, two aldermen, to be designated as aldermen-at-large, shall be elected by the qualified voters of the whole city. In cities having a population of not less than twelve thousand inhabitants, the council may provide by ordinance for the election of a city comptroller.

SEC. 2. In each ward a supervisor, two aldermen, and a constable shall be elected.

SEC. 3. The following officers shall be appointed by the council, viz: a city attorney, city surveyor, engineer of fire department, and three school inspectors. The council may also, from time to time, provide by ordinance for the appointment of, and appoint for such term as may be provided in the ordinance, such other officers whose election or appointment is not herein specially provided for, as the council shall deem necessary for the execution of the powers granted by this act, and may remove the same at pleasure. The powers and duties of all such officers shall be prescribed by ordinance.

SEC. 4. Appointments to office by the council, except appointments to fill vacancies, shall be made on the first Monday of May in each year; but appointments which for any cause shall not be made on that day may be made at any subsequent regular meeting of the council.

Penalty for  
misconduct  
or neglect of  
duty.

SEC. 37. Any justice of the peace who shall be guilty of misconduct in office, or who shall willfully neglect or refuse to perform or discharge any of the duties of his office required by this act or any of the ordinances of the city, shall be deemed guilty of a misdemeanor, and punishable accordingly, and may be suspended from office by the council during its pleasure.

To account  
for property  
seized or  
stolen.

SEC. 38. Every justice of the peace of the city shall account on oath to the council, at their first meeting in each month, for all such moneys, goods, wares, and property seized as stolen property, as shall then remain unclaimed in his office; and shall make such disposition thereof as shall be prescribed by the ordinances of the city.

Additional  
duties,  
rights, pow-  
ers, etc., of  
officers.

SEC. 39. In addition to the rights, powers, duties, and liabilities of officers prescribed in this act, all officers, whether elected or appointed, shall have such other rights, powers, duties and liabilities, subject to and consistent with this act, as the council shall deem expedient, and prescribe by ordinance or resolution.

#### COMPENSATION OF OFFICERS.

Compensa-  
tion of offi-  
cers.

SEC. 40. The mayor and aldermen may each receive such salary, not exceeding fifty dollars per year, as may be prescribed by the council. The city marshal, clerk, treasurer, collector, comptroller, city attorney, and engineer of the fire department, shall each receive such annual salary as the council shall determine by ordinance. The compensation of supervisors for assessing and levying taxes, extending taxes upon their rolls, and for all other services performed by them, shall not exceed two dollars [receive the same compensation as is by law allowed supervisors of townships] per day for the time actually employed. School inspectors shall serve without compensation. Justices of the peace, constables, and officers serving process and making arrests, may, when engaged in causes and proceedings for violations of the ordinances of the city, charge and receive such fees as are allowed to those officers for like services by the general laws of the State. All other officers

elected or appointed in the city shall, except as herein otherwise provided, receive such compensation as the council shall determine.

SEC. 41. The salary or rate of compensation of any officer elected or appointed by authority of this act, shall not be increased or diminished during his term of office; and no person who shall have resigned or vacated any office, shall be eligible to the same office, during the term for which he was elected or appointed, when, during the same time, the salary or rate of compensation has been increased.

## CHAPTER VIII.

### THE CITY COUNCIL.

SECTION 1. The legislative authority of cities incorporated under this act shall be vested in a council consisting of the mayor, two aldermen elected from each ward, the aldermen at large, if any are elected in the city, and the city clerk.

SEC. 2. The mayor shall be president of the council, and preside at the meetings thereof, but shall have no vote therein except in case of a tie, when he shall have the casting vote.

SEC. 3. On the first Monday in May in each year, the council shall appoint one of their number president *pro tempore* of the council, who, in the absence of the president, shall preside at the meetings thereof, and exercise the powers and duties of president. He shall have a vote upon all questions. In the absence of the president and president *pro tem.*, the council shall appoint one of their number to preside; and for the time being he shall exercise the powers and the duties of the president *pro tem.*

SEC. 4. The city clerk shall be clerk of the council, but shall have no vote therein. He shall keep a full record of all the proceedings of the council, and perform such other duties relating to his office as the council may direct. In the absence of the clerk the council shall appoint one of their number to perform the duties of his office for the time being.

Aldermen to  
attend meet-  
ings.

SEC. 5. The aldermen, each of whom shall be entitled to a vote in all the proceedings of the council, are required to attend all the meetings and sessions thereof, and to serve upon committees whenever appointed thereon.

Judge of  
election, etc.,  
of members.

SEC. 6. The council shall be judge of the election returns, and qualifications of its own members. It shall hold regular

Stated meet-  
ings.

stated meetings for the transaction of business, at such times and places within the city as it shall prescribe; not less than two of which shall be held in each month. The mayor, or any three members of the council may appoint special meetings thereof, notice of which, in writing, shall be given to each alderman, or be left at his place of residence, at least twelve hours before the meeting.

Special  
meetings.

Quorum.

SEC. 7. All meetings and sessions of the council shall be in public. A majority of the aldermen shall make a quorum for the transaction of business; a less number may adjourn from time to time, and may compel the attendance of absent members in such manner as shall be prescribed by ordinance. But

Certain acts  
requiring a  
two-thirds  
vote of alder-  
men elect.

no office shall be created or abolished, nor any tax or assessment be imposed, street, alley, or public ground be vacated, real estate or any interest therein sold or disposed of, or private property be taken for public use, unless by a concurring vote of two-thirds of all the aldermen elect; nor shall any vote of the council be reconsidered or rescinded at a special meeting, unless there be present as many aldermen as were present when such vote was taken. No money shall be appropriated except by ordinance or resolution of the council; nor shall any resolution be passed or adopted except by the vote of a majority of all the aldermen elected to office, except as herein otherwise provided.

Majority  
vote on ap-  
propriations  
etc.

Manner of  
conducting  
its business.

SEC. 8. The council shall prescribe the rules of its own proceedings, and keep a record or journal thereof. All votes shall be taken by yeas and nays, and be so entered upon the journal as to show the names of those voting in the affirmative and those in the negative; and within one week after any



meeting of the council, all the proceedings and votes taken thereat shall be published in one of the newspapers of the city. Publication of proceedings.

SEC. 9. The council may compel the attendance of its members and other officers of the city, at its meetings, in such manner, and may enforce such fines for non-attendance, as may by ordinance be prescribed; and may by ordinance prescribe punishment for any misbehavior, contemptuous or disorderly conduct by any member or any person present at any session of the council. Power over its own members and other city officers.

SEC. 10. The city attorney, city marshal, street commissioner, city surveyor, and engineer of the fire department shall have seats in the council, and may take part in all its proceedings and deliberations on all subjects relating to their respective departments, subject to such rules as the council shall from time to time prescribe, but without the right to vote. Said officers may be required to attend the meetings of the council in the same manner as members. Certain city officers entitled to seats in council.

SEC. 11. The council shall have control of the finances, and of all the property, real and personal, of the city corporation, except as may be otherwise provided by law. Control of finances and property.

SEC. 12. Whenever by this act or any other provisions of law, any power or authority is vested in, or duty imposed upon, the corporation or council, the council may enact such appropriate ordinances as may be necessary for the execution and exercise of such power and authority, and to regulate the performance of such duty. Execution of legal powers.

SEC. 13. The council may provide by ordinance for the appointment of standing committees of its members, who shall perform such duties, investigate, have charge of, and report upon such matters as may be properly referred to them. Such committees shall be appointed by the mayor. Standing committees.

SEC. 14. The council shall cause all the records of the corporation, and of all proceedings of the council, and all books, documents, reports, contracts, receipts, vouchers, and papers Records, reports, receipts, etc., where deposited.

Aldermen to attend meetings.

SEC. 5. The aldermen, each of whom shall be entitled to a vote in all the proceedings of the council, are required to attend all the meetings and sessions thereof, and to serve upon committees whenever appointed thereon.

Judge of election, etc., of members.

Stated meetings.

Special meetings.

SEC. 6. The council shall be judge of the election returns, and qualifications of its own members. It shall hold regular stated meetings for the transaction of business, at such times and places within the city as it shall prescribe; not less than two of which shall be held in each month. The mayor, or any three members of the council may appoint special meetings thereof, notice of which, in writing, shall be given to each alderman, or be left at his place of residence, at least twelve hours before the meeting.

Quorum.

SEC. 7. All meetings and sessions of the council shall be in public. A majority of the aldermen shall make a quorum for the transaction of business; a less number may adjourn from time to time, and may compel the attendance of absent members in such manner as shall be prescribed by ordinance. But no office shall be created or abolished, nor any tax or assessment be imposed, street, alley, or public ground be vacated, real estate or any interest therein sold or disposed of, or private property be taken for public use, unless by a concurring vote of two-thirds of all the aldermen elect; nor shall any vote of the council be reconsidered or rescinded at a special meeting, unless there be present as many aldermen as were present when such vote was taken. No money shall be appropriated except by ordinance or resolution of the council; nor shall any resolution be passed or adopted except by the vote of a majority of all the aldermen elected to office, except as herein otherwise provided.

Certain acts requiring a two-thirds vote of aldermen elect.

Majority vote on appropriations etc.

Manner of conducting its business.

SEC. 8. The council shall prescribe the rules of its own proceedings, and keep a record or journal thereof. All votes shall be taken by yeas and nays, and be so entered upon the journal as to show the names of those voting in the affirmative and those in the negative; and within one week after any

meeting of the council, all the proceedings and votes taken thereat shall be published in one of the newspapers of the city. Publication of proceedings.

SEC. 9. The council may compel the attendance of its members and other officers of the city, at its meetings, in such manner, and may enforce such fines for non-attendance, as may by ordinance be prescribed; and may by ordinance prescribe punishment for any misbehavior, contemptuous or disorderly conduct by any member or any person present at any session of the council. Power over its own members and other city officers.

SEC. 10. The city attorney, city marshal, street commissioner, city surveyor, and engineer of the fire department shall have seats in the council, and may take part in all its proceedings and deliberations on all subjects relating to their respective departments, subject to such rules as the council shall from time to time prescribe, but without the right to vote. Said officers may be required to attend the meetings of the council in the same manner as members. Certain city officers entitled to seats in council.

SEC. 11. The council shall have control of the finances, and of all the property, real and personal, of the city corporation, except as may be otherwise provided by law. Control of finances and property.

SEC. 12. Whenever by this act or any other provisions of law, any power or authority is vested in, or duty imposed upon, the corporation or council, the council may enact such appropriate ordinances as may be necessary for the execution and exercise of such power and authority, and to regulate the performance of such duty. Execution of legal powers.

SEC. 13. The council may provide by ordinance for the appointment of standing committees of its members, who shall perform such duties, investigate, have charge of, and report upon such matters as may be properly referred to them. Such committees shall be appointed by the mayor. Standing committees.

SEC. 14. The council shall cause all the records of the corporation, and of all proceedings of the council, and all books, documents, reports, contracts, receipts, vouchers, and papers Records, reports, receipts, etc., where deposited.

relating to the finances and affairs of the city, or to the official acts of any officer of the corporation (unless required by law to be kept elsewhere), to be deposited and kept in the office of the city clerk, and to be so arranged, filed, and kept, as to be convenient of access and inspection, and all such records, books, and papers shall be subject to inspection by any inhabitant of the city or other person interested therein, at all reasonable times, except such parts thereof as, in the opinion of the council, it may be necessary for the furtherance of justice to withhold for the time being. Any person who shall secrete, injure, deface, alter, or destroy any such books, records, documents, or papers, or expose the same to loss or destruction, with intent to prevent the contents or true meaning or import of any thereof from being known, shall, on conviction thereof, be punished by imprisonment in the State Prison not longer than one year, or by fine not exceeding one thousand dollars, or by both such fine and imprisonment in the discretion of the court.

Penalty for injuring, defacing, or altering records.

Extra compensation prohibited.

SEC. 15. No member of the council, or aldermen, shall receive any compensation for his services, either as councilman, alderman, committeeman, or otherwise, except as herein provided.

City officers prohibited from being interested in a contract.

SEC. 16. No member of the council, or any officers of the corporation, shall be interested, directly, or indirectly, in the profits of any contract, job, work, or services (other than official services, to be performed for the corporation). Any member of the council, or officer of any city, herein specified, offending against the provisions of this section, shall, upon conviction thereof, be fined not less than five hundred nor more than one thousand dollars, or be imprisoned in the county jail not less than one nor more than six months, or both, in the discretion of the court, and shall forfeit his office.

Penalty for violation.

Removal from office.

SEC. 17. Any person, appointed to office by the council by authority of this act, may be removed therefrom by a vote of the majority of the aldermen elect; and the council may expel

any alderman or remove from office any person elected thereto, by a concurring vote of two-thirds of all the aldermen elect. In case of elective officers, provision shall be made, by ordinance, for preferring charges and trying the same; and no removal of an elective officer shall be made, unless a charge in writing is preferred, and an opportunity given to make a defense thereto.

SEC. 18. To enable the council to investigate charges against any officer, or such other matters as they may deem proper to investigate, the mayor, or any justice of the peace of the city is empowered, at the request of the council, to issue subpoenas or process by warrant, to compel the attendance of persons and the production of books and papers, before the council or any committee thereof.

Investigation of charges against officers.

SEC. 19. Whenever the council, or any committee of the members thereof, are authorized to compel the attendance of witnesses for the investigation of matters which may come before them, the presiding officer of the council or chairman of such committee for the time being, shall have power to administer the necessary oaths; and such council or committee shall have the same power to compel the witnesses to testify as is conferred on courts of justices of the peace.

Powers conferred for purposes of investigation.

SEC. 20. The council shall audit and allow all accounts chargeable against the city; but no account or claim or contract shall be received for audit or allowance, unless it shall be accompanied with an affidavit of the person rendering it to the effect that he verily believes that the services or property therein charged have been actually performed or delivered for the city, that the sums charged therefor are reasonable and just, and that to the best of his knowledge and belief, no set-off exists, nor payment has been made on account thereof, except such as are indorsed or referred to in such account or claim. And every such account shall exhibit in detail all the items making up the amount claimed, and the true date of each. It shall be a sufficient defense in any court, to any action or proceeding for the collection of any demand or claim against the

Auditing of accounts and claims against the city.

Statement of  
result, and  
certificate.

of election shall, without adjourning, publicly canvass the votes received by them, and declare the result; and shall, on the same day or on the next day, make a statement in writing setting forth in words at full length the whole number of votes given for each office, the names of persons for whom such votes for each office were given, and the number of votes so given for each person; and the whole number of votes given upon each question voted upon, and the number of the votes given for and against the same, which statement shall be certified under the hands of the inspectors to be correct; and they shall deposit such statement and certificate on the day of election, or on the next day, together with said poll-lists and the register of electors and the boxes containing said ballots, in the office of the city clerk.

To be depos-  
ited with  
city clerk.

Canvass the  
same as in  
general elec-  
tion.

SEC. 15. The manner of canvassing said votes shall be the same as prescribed by law for canvassing votes at the general elections held in this State, and the inspectors shall in all other respects, except as herein otherwise provided, conform as nearly as may be to the duties required of inspectors of election at such general elections.

Determina-  
tion of result  
of election  
by council.

SEC. 16. The council shall convene on Thursday next succeeding each election, at their usual place of meeting, and determine the result of the election upon each question and proposition voted upon, and what persons were duly elected at the said election to the several offices respectively; and, thereupon, the city clerk shall make duplicate certificates, under the corporate seal of the city, of such determination, showing the result of the election upon any question or proposition voted upon, and what persons are declared elected to the several offices respectively; one of which certificates he shall file in the office of the county clerk, in the county in which the city is located, and the other shall be filed in the office of the city clerk.

Certificate.

Tie to be de-  
termined by  
lot.

SEC. 17. The person receiving the greatest number of votes for any office in the city or ward, shall be deemed to have been duly elected to such office; and if there shall be no choice for

~~Same~~ to the mayor or other person performing the duties of ~~mayor~~, for his approval. No ordinance shall be of any force ~~without~~ the written approval of the mayor or other person performing for the time being the duties of his office, unless ~~he~~ omit to return it to the clerk of the council with his objections thereto, within three days after its presentation to him, in which case it shall be deemed regularly enacted. If, after the return of the ordinance with the objections thereto, as aforesaid, the same shall be passed or re-enacted by a vote of two-thirds of all the aldermen elected, the ordinance shall be deemed regularly enacted, and the time of its re-enactment shall be deemed to be the time of its passage.

SEC. 4. At the time of presenting any ordinance to the mayor for his approval, the clerk of the council shall certify thereon, and also in the journal or record of the proceedings of the council, the time when the same was so presented, and shall also certify thereon and in such journal or record, the time of the return of such ordinance, and whether approved or with objections, and shall at the next meeting of the council report any ordinance returned with objections thereto.

Duty of clerk relative to date of presentation of ordinances for approval

SEC. 5. No ordinance shall be revived unless the whole, or so much as is intended to be revived, shall be re-enacted. When any section of an ordinance is amended, the whole section, as amended, shall be re-enacted.

Revival and amendment of ordinances.

SEC. 6. All ordinances when approved by the mayor or when regularly enacted shall be immediately recorded by the clerk of the council, in a book to be called "The Record of Ordinances," and it shall be the duty of the mayor and clerk to authenticate the same by their official signatures upon such record.

Record of ordinances.

SEC. 7. Within one week after the passage of any ordinance, the same shall be published in some newspaper printed and circulated within the city, and the clerk shall, immediately after such publication, enter on the record of ordinances, in a blank space to be left for such purpose under the recorded

Publication of ordinances.

Penalty for misconduct or neglect of duty.

SEC. 37. Any justice of the peace who shall be guilty of misconduct in office, or who shall willfully neglect or refuse to perform or discharge any of the duties of his office required by this act or any of the ordinances of the city, shall be deemed guilty of a misdemeanor, and punishable accordingly, and may be suspended from office by the council during its pleasure.

To account for property seized or stolen.

SEC. 38. Every justice of the peace of the city shall account on oath to the council, at their first meeting in each month, for all such moneys, goods, wares, and property seized as stolen property, as shall then remain unclaimed in his office; and shall make such disposition thereof as shall be prescribed by the ordinances of the city.

Additional duties, rights, powers, etc., of officers.

SEC. 39. In addition to the rights, powers, duties, and liabilities of officers prescribed in this act, all officers, whether elected or appointed, shall have such other rights, powers, duties and liabilities, subject to and consistent with this act, as the council shall deem expedient, and prescribe by ordinance or resolution.

#### COMPENSATION OF OFFICERS.

Compensation of officers.

SEC. 40. The mayor and aldermen may each receive such salary, not exceeding fifty dollars per year, as may be prescribed by the council. The city marshal, clerk, treasurer, collector, comptroller, city attorney, and engineer of the fire department, shall each receive such annual salary as the council shall determine by ordinance. The compensation of supervisors for assessing and levying taxes, extending taxes upon their rolls, and for all other services performed by them, shall not exceed two dollars [receive the same compensation as is by law allowed supervisors of townships] per day for the time actually employed. School inspectors shall serve without compensation. Justices of the peace, constables, and officers serving process and making arrests, may, when engaged in causes and proceedings for violations of the ordinances of the city, charge and receive such fees as are allowed to those officers for like services by the general laws of the State. All other officers



elected or appointed in the city shall, except as herein otherwise provided, receive such compensation as the council shall determine.

SEC. 41. The salary or rate of compensation of any officer elected or appointed by authority of this act, shall not be increased or diminished during his term of office; and no person who shall have resigned or vacated any office, shall be eligible to the same office, during the term for which he was elected or appointed, when, during the same time, the salary or rate of compensation has been increased. No change during term of office.

## CHAPTER VIII.

### THE CITY COUNCIL.

SECTION 1. The legislative authority of cities incorporated under this act shall be vested in a council consisting of the mayor, two aldermen elected from each ward, the aldermen at large, if any are elected in the city, and the city clerk. Authority and of whom composed.

SEC. 2. The mayor shall be president of the council, and preside at the meetings thereof, but shall have no vote therein except in case of a tie, when he shall have the casting vote. President.

SEC. 3. On the first Monday in May in each year, the council shall appoint one of their number president *pro tempore* of the council, who, in the absence of the president, shall preside at the meetings thereof, and exercise the powers and duties of president. He shall have a vote upon all questions. In the absence of the president and president *pro tem.*, the council shall appoint one of their number to preside; and for the time being he shall exercise the powers and the duties of the president *pro tem.* President pro tempore.

SEC. 4. The city clerk shall be clerk of the council, but shall have no vote therein. He shall keep a full record of all the proceedings of the council, and perform such other duties relating to his office as the council may direct. In the absence of the clerk the council shall appoint one of their number to perform the duties of his office for the time being. Clerk of council.

Aldermen to  
attend meet-  
ings.

SEC. 5. The aldermen, each of whom shall be entitled to a vote in all the proceedings of the council, are required to attend all the meetings and sessions thereof, and to serve upon committees whenever appointed thereon.

Judge of  
election, etc.,  
of members.

Stated meet-  
ings.

Special  
meetings.

SEC. 6. The council shall be judge of the election returns, and qualifications of its own members. It shall hold regular stated meetings for the transaction of business, at such times and places within the city as it shall prescribe; not less than two of which shall be held in each month. The mayor, or any three members of the council may appoint special meetings thereof, notice of which, in writing, shall be given to each alderman, or be left at his place of residence, at least twelve hours before the meeting.

Quorum.

SEC. 7. All meetings and sessions of the council shall be in public. A majority of the aldermen shall make a quorum for the transaction of business; a less number may adjourn from time to time, and may compel the attendance of absent members in such manner as shall be prescribed by ordinance. But no office shall be created or abolished, nor any tax or assessment be imposed, street, alley, or public ground be vacated, real estate or any interest therein sold or disposed of, or private property be taken for public use, unless by a concurring vote of two-thirds of all the aldermen elect; nor shall any vote of the council be reconsidered or rescinded at a special meeting, unless there be present as many aldermen as were present when such vote was taken. No money shall be appropriated except by ordinance or resolution of the council; nor shall any resolution be passed or adopted except by the vote of a majority of all the aldermen elected to office, except as herein otherwise provided.

Certain acts  
requiring a  
two-thirds  
vote of alder-  
men elect.

Majority  
vote on ap-  
propriations  
etc.

Manner of  
conducting  
its business.

SEC. 8. The council shall prescribe the rules of its own proceedings, and keep a record or journal thereof. All votes shall be taken by yeas and nays, and be so entered upon the journal as to show the names of those voting in the affirmative and those in the negative; and within one week after any

meeting of the council, all the proceedings and votes taken thereat shall be published in one of the newspapers of the city.

Publication  
of proceed-  
ings.

SEC. 9. The council may compel the attendance of its members and other officers of the city, at its meetings, in such manner, and may enforce such fines for non-attendance, as may by ordinance be prescribed; and may by ordinance prescribe punishment for any misbehavior, contemptuous or disorderly conduct by any member or any person present at any session of the council.

Power over  
its own  
members  
and other  
city officers.

SEC. 10. The city attorney, city marshal, street commissioner, city surveyor, and engineer of the fire department shall have seats in the council, and may take part in all its proceedings and deliberations on all subjects relating to their respective departments, subject to such rules as the council shall from time to time prescribe, but without the right to vote. Said officers may be required to attend the meetings of the council in the same manner as members.

Certain city  
officers enti-  
tled to seats  
in council.

SEC. 11. The council shall have control of the finances, and of all the property, real and personal, of the city corporation, except as may be otherwise provided by law.

Control of  
finances and  
property.

SEC. 12. Whenever by this act or any other provisions of law, any power or authority is vested in, or duty imposed upon, the corporation or council, the council may enact such appropriate ordinances as may be necessary for the execution and exercise of such power and authority, and to regulate the performance of such duty.

Execution  
of legal  
powers.

SEC. 13. The council may provide by ordinance for the appointment of standing committees of its members, who shall perform such duties, investigate, have charge of, and report upon such matters as may be properly referred to them. Such committees shall be appointed by the mayor.

Standing  
committees.

SEC. 14. The council shall cause all the records of the corporation, and of all proceedings of the council, and all books, documents, reports, contracts, receipts, vouchers, and papers

Records,  
reports, re-  
ceipts, etc.,  
where de-  
posited.

Aldermen to  
attend meet-  
ings.

SEC. 5. The aldermen, each of whom shall be entitled to a vote in all the proceedings of the council, are required to attend all the meetings and sessions thereof, and to serve upon committees whenever appointed thereon.

Judge of  
election, etc.,  
of members.

Stated meet-  
ings.

Special  
meetings.

SEC. 6. The council shall be judge of the election returns, and qualifications of its own members. It shall hold regular stated meetings for the transaction of business, at such times and places within the city as it shall prescribe; not less than two of which shall be held in each month. The mayor, or any three members of the council may appoint special meetings thereof, notice of which, in writing, shall be given to each alderman, or be left at his place of residence, at least twelve hours before the meeting.

Quorum.

SEC. 7. All meetings and sessions of the council shall be in public. A majority of the aldermen shall make a quorum for the transaction of business; a less number may adjourn from time to time, and may compel the attendance of absent members in such manner as shall be prescribed by ordinance. But

Certain acts  
requiring a  
two-thirds  
vote of alder-  
men elect.

no office shall be created or abolished, nor any tax or assessment be imposed, street, alley, or public ground be vacated, real estate or any interest therein sold or disposed of, or private property be taken for public use, unless by a concurring vote of two-thirds of all the aldermen elect; nor shall any vote of the council be reconsidered or rescinded at a special meeting, unless there be present as many aldermen as were present when such vote was taken. No money shall be appropriated except by ordinance or resolution of the council; nor shall any resolution be passed or adopted except by the vote of a majority of all the aldermen elected to office, except as herein otherwise provided.

Majority  
vote on ap-  
propriations  
etc.

Manner of  
conducting  
its business.

SEC. 8. The council shall prescribe the rules of its own proceedings, and keep a record or journal thereof. All votes shall be taken by yeas and nays, and be so entered upon the journal as to show the names of those voting in the affirmative and those in the negative; and within one week after any

meeting of the council, all the proceedings and votes taken thereat shall be published in one of the newspapers of the city. Publication of proceedings.

SEC. 9. The council may compel the attendance of its members and other officers of the city, at its meetings, in such manner, and may enforce such fines for non-attendance, as may by ordinance be prescribed; and may by ordinance prescribe punishment for any misbehavior, contemptuous or disorderly conduct by any member or any person present at any session of the council. Power over its own members and other city officers.

SEC. 10. The city attorney, city marshal, street commissioner, city surveyor, and engineer of the fire department shall have seats in the council, and may take part in all its proceedings and deliberations on all subjects relating to their respective departments, subject to such rules as the council shall from time to time prescribe, but without the right to vote. Said officers may be required to attend the meetings of the council in the same manner as members. Certain city officers entitled to seats in council.

SEC. 11. The council shall have control of the finances, and of all the property, real and personal, of the city corporation, except as may be otherwise provided by law. Control of finances and property.

SEC. 12. Whenever by this act or any other provisions of law, any power or authority is vested in, or duty imposed upon, the corporation or council, the council may enact such appropriate ordinances as may be necessary for the execution and exercise of such power and authority, and to regulate the performance of such duty. Execution of legal powers.

SEC. 13. The council may provide by ordinance for the appointment of standing committees of its members, who shall perform such duties, investigate, have charge of, and report upon such matters as may be properly referred to them. Such committees shall be appointed by the mayor. Standing committees.

SEC. 14. The council shall cause all the records of the corporation, and of all proceedings of the council, and all books, documents, reports, contracts, receipts, vouchers, and papers Records, reports, receipts, etc., where deposited.

Penalty for  
injuring,  
defacing, or  
altering rec-  
ords.

relating to the finances and affairs of the city, or to the official acts of any officer of the corporation (unless required by law to be kept elsewhere), to be deposited and kept in the office of the city clerk, and to be so arranged, filed, and kept, as to be convenient of access and inspection, and all such records, books, and papers shall be subject to inspection by any inhabitant of the city or other person interested therein, at all reasonable times, except such parts thereof as, in the opinion of the council, it may be necessary for the furtherance of justice to withhold for the time being. Any person who shall secrete, injure, deface, alter, or destroy any such books, records, documents, or papers, or expose the same to loss or destruction, with intent to prevent the contents or true meaning or import of any thereof from being known, shall, on conviction thereof, be punished by imprisonment in the State Prison not longer than one year, or by fine not exceeding one thousand dollars, or by both such fine and imprisonment in the discretion of the court.

Extra com-  
pensation  
prohibited.

SEC. 15. No member of the council, or aldermen, shall receive any compensation for his services, either as councilman, alderman, committeeman, or otherwise, except as herein provided.

City officers  
prohibited  
from being  
interested in  
a contract.

SEC. 16. No member of the council, or any officers of the corporation, shall be interested, directly, or indirectly, in the profits of any contract, job, work, or services (other than official services, to be performed for the corporation). Any member of the council, or officer of any city, herein specified, offending against the provisions of this section, shall, upon conviction thereof, be fined not less than five hundred nor more than one thousand dollars, or be imprisoned in the county jail not less than one nor more than six months, or both, in the discretion of the court, and shall forfeit his office.

Penalty for  
violation.

Removal  
from office.

SEC. 17. Any person, appointed to office by the council by authority of this act, may be removed therefrom by a vote of the majority of the aldermen elect; and the council may expel

any alderman or remove from office any person elected thereto, by a concurring vote of two-thirds of all the aldermen elect. In case of elective officers, provision shall be made, by ordinance, for preferring charges and trying the same; and no removal of an elective officer shall be made, unless a charge in writing is preferred, and an opportunity given to make a defense thereto.

SEC. 18. To enable the council to investigate charges against any officer, or such other matters as they may deem proper to investigate, the mayor, or any justice of the peace of the city is empowered, at the request of the council, to issue subpoenas or process by warrant, to compel the attendance of persons and the production of books and papers, before the council or any committee thereof. Investigation of charges against officers.

SEC. 19. Whenever the council, or any committee of the members thereof, are authorized to compel the attendance of witnesses for the investigation of matters which may come before them, the presiding officer of the council or chairman of such committee for the time being, shall have power to administer the necessary oaths; and such council or committee shall have the same power to compel the witnesses to testify as is conferred on courts of justices of the peace. Powers conferred for purposes of investigation.

SEC. 20. The council shall audit and allow all accounts chargeable against the city; but no account or claim or contract shall be received for audit or allowance, unless it shall be accompanied with an affidavit of the person rendering it to the effect that he verily believes that the services or property therein charged have been actually performed or delivered for the city, that the sums charged therefor are reasonable and just, and that to the best of his knowledge and belief, no set-off exists, nor payment has been made on account thereof, except such as are indorsed or referred to in such account or claim. And every such account shall exhibit in detail all the items making up the amount claimed, and the true date of each. It shall be a sufficient defense in any court, to any action or proceeding for the collection of any demand or claim against the Auditing of accounts and claims against the city.

city, that it has never been presented, verified as aforesaid, to the council for allowance; or, that the claim was presented without the affidavit aforesaid and rejected for that reason; or, that the action or proceeding was brought before the council had a reasonable time to investigate and pass upon it.

## CHAPTER IX.

### ORDINANCES.

Style, vote  
on passage  
and time of  
taking effect.

SECTION 1. The style of all ordinances shall be, "The city of \_\_\_\_\_ ordains." All ordinances shall require, for their passage, the concurrence of a majority of all the aldermen elected. The time when any ordinance shall take effect shall be prescribed therein. Such time, when the ordinance imposes a penalty, shall not be less than twenty days from the day of its passage.

Fines and  
penalties.

SEC. 2. When, by the provisions of this act, the council of any city has authority to pass ordinances for any purpose, they may prescribe fines, penalties, and forfeitures, not exceeding five hundred dollars (unless a greater fine or penalty is herein authorized), or imprisonment not exceeding six months, or both, in the discretion of the court, together with the costs of prosecution, for each violation of any of said ordinances; and may provide that the offender, on failing to pay any such fine, penalty, or forfeiture, and the costs of prosecution, may be imprisoned for any term not exceeding six months, unless payment thereof be sooner made; and may direct such imprisonment to be in the city prison, or in the county jail of the county within which the city is located, or in such other prison or place of confinement, in the State, as the council may prescribe; and that the offender be kept at labor during such imprisonment. Such fine, penalty, forfeiture, and imprisonment, for the violation of any ordinance, shall be prescribed therein.

Approval of  
ordinances  
by mayor.

SEC. 3. On the same day or on the next day after the passage of any ordinance, the clerk of the council shall present the



come to the mayor or other person performing the duties of mayor, for his approval. No ordinance shall be of any force without the written approval of the mayor or other person performing for the time being the duties of his office, unless he omit to return it to the clerk of the council with his objections thereto, within three days after its presentation to him, in which case it shall be deemed regularly enacted. If, after the return of the ordinance with the objections thereto, as aforesaid, the same shall be passed or re-enacted by a vote of two-thirds of all the aldermen elected, the ordinance shall be deemed regularly enacted, and the time of its re-enactment shall be deemed to be the time of its passage.

SEC. 4. At the time of presenting any ordinance to the mayor for his approval, the clerk of the council shall certify thereon, and also in the journal or record of the proceedings of the council, the time when the same was so presented, and shall also certify thereon and in such journal or record, the time of the return of such ordinance, and whether approved or with objections, and shall at the next meeting of the council report any ordinance returned with objections thereto.

Duty of clerk relative to date of presentation of ordinances for approval

SEC. 5. No ordinance shall be revived unless the whole, or so much as is intended to be revived, shall be re-enacted. When any section of an ordinance is amended, the whole section, as amended, shall be re-enacted.

Revival and amendment of ordinances.

SEC. 6. All ordinances when approved by the mayor or when regularly enacted shall be immediately recorded by the clerk of the council, in a book to be called "The Record of Ordinances," and it shall be the duty of the mayor and clerk to authenticate the same by their official signatures upon such record.

Record of ordinances.

SEC. 7. Within one week after the passage of any ordinance, the same shall be published in some newspaper printed and circulated within the city, and the clerk shall, immediately after such publication, enter on the record of ordinances, in a blank space to be left for such purpose under the recorded

Publication of ordinances.

city, that it has never been presented, verified as aforesaid, to the council for allowance; or, that the claim was presented without the affidavit aforesaid and rejected for that reason; or that the action or proceeding was brought before the council had a reasonable time to investigate and pass upon it.

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Publication of ordinances.

**Certificate of publication.** ordinance, a certificate stating in what newspaper and of what date such publication was made, and sign the same officially; and such certificate shall be *prima facie* evidence that legal publication of such ordinance has been made.

**Proof of ordinances, etc., in court** SEC. 8. In all courts having authority to hear, try, or determine any matter or cause arising under the ordinances of any city, and in all proceedings in such city relating to or arising under the ordinances, or any ordinance thereof, judicial notice shall be taken of the enactment, existence, provisions, and continuing force of the ordinances of the city. And whenever it shall be necessary to prove any of the laws, regulations or ordinances of any city, or any resolution adopted by the council thereof, the same may be read in all courts of justice, and in all proceedings: *First*, From a record thereof kept by the city clerk; *Second*, From a copy thereof, or of such record thereof, certified by the city clerk under the seal of the city; *Third*, From any volume of ordinances purporting to have been written or printed by authority of the council.

## CHAPTER X.

### ENFORCEMENT OF ORDINANCES.

**Time and place for commencement of prosecutions** SECTION 1. Prosecutions for violations of the ordinances of cities incorporated under this act, shall be commenced within two years after the commission of the offense; and shall be brought within the city, or in the county in which the city is located.

**Recovery of penalties and forfeitures.** SEC. 2. Whenever a pecuniary penalty or forfeiture shall be incurred for the violation of any ordinance, and no provision shall be made for the imprisonment of the offender upon conviction therefor, such penalty or forfeiture may be recovered in an action of debt, or in assumpsit; and if it be a forfeiture of any property, it may be sued for and recovered in an action of trover, or other appropriate action. And whenever a corporation shall incur a penalty or forfeiture for the violation of any ordinance, the same shall be sued for in one of the actions aforesaid.

SEC. 3. Such action shall be brought in the name of the Idem. city, and shall be commenced by summons. The form, time of return, and service thereof, the pleadings, and all the proceedings in the cause, shall, except as otherwise provided herein, conform to and be the same as nearly as may be, as in like actions provided by law for the recovery of penalties for violations of the laws of the State. Upon the rendition of judgment against the defendant, execution shall issue forthwith, and except when against a corporation, shall require, if sufficient goods and chattels cannot be found to satisfy the same, that the defendant be committed to prison, there to remain for a period not exceeding ninety days, unless such execution be sooner paid, or he be discharged by due course of law ; but imprisonment without payment shall not operate as a satisfaction of the judgment, nor shall costs be allowed to the defendant in any such action.

SEC. 4. Prosecutions for violations of the ordinances of the city may also, in all cases, except against corporations, be commenced by warrant for the arrest of the offender. Suits commenced by warrant.

SEC. 5. Such warrant shall be in the name of the people of the State of Michigan, and shall set forth the substance of the offense complained of, and be substantially of the form, and be issued upon complaint made, as provided by law in criminal cases cognizable by justices of the peace. And the proceedings relating to the arrest and custody of the accused during the pendency of the suit, the pleadings, and all proceedings upon the trial of the cause, and in procuring the attendance and testimony of witnesses, and in the rendition of judgment, and the execution thereof, shall, except as otherwise provided by this act, be governed by, and conform as nearly as may be to, the provisions of law regulating the proceedings in criminal causes cognizable by justices of the peace. Form of warrant. Proceedings.

SEC. 6. If the accused shall be convicted, the court shall render judgment thereon, and inflict such punishment, either by fine or imprisonment, or both, not exceeding the limit pre- Rendition of judgment.

scribed in the ordinance violated, as the nature of the case may require, together with such costs of prosecution as the court shall order.

Execution of judgments.

SEC. 7. Every such judgment shall be executed by virtue of an execution or warrant, specifying the particulars of the judgment. If the judgment be for the payment of a fine only, with or without costs, execution of the form prescribed in section three of this chapter shall issue forthwith. If judgment be for both fine and imprisonment, a warrant shall issue immediately for the commitment of the defendant until the expiration of the term mentioned in the sentence, and an execution shall issue at the same time against the goods and chattels of the defendant for the collection of the fine or forfeiture imposed; but in neither case above mentioned shall the imprisonment, without payment, operate as a satisfaction of the fine and costs imposed. In cases where a fine and imprisonment in default of payment thereof, or where imprisonment alone is imposed, a warrant of commitment shall issue accordingly, in the former case, until the expiration of the sentence, unless the fine and costs be sooner paid, and in the latter, for the term named in the sentence.

Entitled to use of county jail.

SEC. 8. Every city shall be allowed the use of the jail of the county in which it is located, for the confinement of all persons liable to imprisonment under the ordinances thereof or under any of the provisions of this act; and any person so liable to imprisonment may be sentenced to, and committed to imprisonment, in such county jail or in the city prison, or other place of confinement provided by the city, or authorized by the ordinances of the city, and the sheriff or other keeper of such jail, or other place of confinement or imprisonment, shall receive and safely keep any person committed thereto as aforesaid, until lawfully discharged.

Process, to whom directed.

SEC. 9. All process issued in any prosecution or proceeding for the violation of any ordinance of the city, shall be directed to the city marshal, or to any constable of the city or county,

and may be executed in any part of the State, by said officers or any other officer authorized by law to serve process issued by justices of the peace.

SEC. 10. It shall not be necessary in any suit, proceeding, or prosecution for the violation of any ordinance of the city, to state or set forth such ordinance or any provisions thereof, in any complaint, warrant, process or pleading therein; but the same shall be deemed sufficiently set forth or stated, by reciting its title and the date of its passage or approval. And it shall be a sufficient statement of the cause of action in any such complaint or warrant, to set forth substantially, and with reasonable certainty as to time and place, the act or offense complained of, and to allege the same to be in violation of an ordinance of the city, referring thereto by its title and the date of its passage or approval, and every court or magistrate having authority to hear or determine the cause shall take judicial notice of the enactment, existence, and provisions of the ordinances of the city, and the resolutions of the council, and of the authority of the city to enact the same.

Setting forth of ordinances in complaints, pleadings, etc.

Statement of cause of action in complaint, etc.

SEC. 11. In all prosecutions for violations of the ordinances of the city, either party may require a trial by jury. Such jury, except where other provision is made, shall consist of six persons; and in suits commenced by warrant, shall be selected and summoned as in criminal cases cognizable by justices of the peace, and in suits commenced by summons as in civil causes triable before such magistrates. No inhabitant of the city shall be incompetent to serve as a juror in any cause in which the city is a party, or interested, on account merely of such interest as he may have in common with the inhabitants of the city in the result of the suit.

Trial by and forming of jury.

SEC. 12. Any party convicted of a violation of any ordinance of the city, in a suit commenced by warrant, as aforesaid, may remove the judgment and proceedings into the circuit court for the county in which the city is located, by appeal or writ of certiorari; and the proceedings therefor, and the bond or

Appeal to circuit court

Bond or  
security and  
proceedings.

security to be given thereon, and the proceedings and disposition of the cause in the circuit court, shall be the same as on appeal and certiorari in criminal cases cognizable by justices of the peace; and in suits to which the city shall be a party, brought to recover any penalty or forfeiture for such violations, either party may appeal from the judgment, or remove the proceedings, by certiorari, into the circuit court; and the like proceedings shall be had therefor and thereon, and the like bond or security shall be given, as in cases of appeal and certiorari in civil causes, tried before justices of the peace, except that the city shall not be required to give any bond or security thereon. The circuit court to which the cause shall be appealed or removed by certiorari, shall also take judicial notice of the ordinances of the city, and the resolutions of the council, and of the provisions thereof.

Fines; by  
whom re-  
ceivable.

SEC. 13. All fines imposed for violations of the ordinances of the city, if paid before the accused is committed, shall be received by the court or magistrate before whom the conviction was had. If any fine shall be collected upon execution, the officer or persons receiving the same shall immediately pay over the money collected, to such court or magistrate. If the accused be committed, payment of the fine and costs imposed shall be made to the sheriff or other keeper of the jail or prison, who shall, within thirty days thereafter, pay the same to said court or magistrate; and the court or magistrate receiving any such fine or penalty, or any part thereof, shall pay the same into the city treasury, except such fines as by the constitution are appropriated for library purposes, on or before the first Monday of the month next after the receipt of the same, and take the treasurer's receipt for and file the same with the city clerk.

Monthly  
payment  
into city  
treasury.

Cases of  
neglect to  
pay over  
fines.

SEC. 14. If any person who shall have received any such fine, or any part thereof, shall neglect to pay over the same pursuant to the foregoing provision, it shall be the duty of the council to cause suit to be commenced immediately there-



for, in the name of the city, and to prosecute the same to effect. Any person receiving any such fine, who shall willfully neglect or refuse to pay over the same as required by the foregoing provisions, shall be deemed guilty of a misdemeanor and shall be punished accordingly. Penalty for willful neglect or refusal.

SEC. 15. Fines paid into the city treasury for violations of ordinances of the city, shall be disposed of as the council may direct. The expenses of the apprehension and punishment of persons violating the ordinances of the city, excepting such part as shall be paid by costs collected, shall be defrayed by the city. Disposition of fines paid into city treasury, etc

SEC. 16. The circuit court of the county in which any city incorporated under this act is located, shall have jurisdiction to hear, try, and determine all causes arising under the ordinances of the city for violations thereof, when the fine or forfeiture imposed shall exceed two hundred dollars, or where the offender may be imprisoned for a term exceeding three months. The proceedings in the circuit court in all such cases, shall be the same as in prosecutions to recover penalties and forfeitures, and to punish violations of the criminal laws of the State; and the general laws of the State regulating prosecutions in criminal cases, and to recover penalties shall apply. Jurisdiction of circuit court, and proceedings therein.

SEC. 17. The justices of the peace of the city shall have concurrent jurisdiction in all cases mentioned in the preceding section; but they shall not render judgment for more than two hundred dollars of the penalty of [or] forfeiture imposed by any ordinance for the violation thereof, nor shall they sentence to imprisonment for a longer period than ninety days. Concurrent jurisdiction of justices of the peace.

SEC. 18. In all prosecutions for violations of the ordinances of the city, commenced by any person other than an officer of the city, the court may require the prosecutor to file security for the payment of the costs of the proceedings, in case the defendant is acquitted. Security for costs in certain cases.

## CHAPTER XI.

## GENERAL POWERS OF CITY CORPORATIONS.

Powers and  
authority,  
and exercise  
thereof.

SECTION 1. Every city incorporated under the provisions of this act, shall, in addition to such other powers as are herein conferred, have the general powers and authority in this chapter mentioned; and the council may pass such ordinances in relation thereto, and for the exercise of the same, as they may deem proper, viz:

To prevent  
vice, etc.

*First,* To restrain and prevent vice and immorality, gambling, noise, and disturbance, indecent or disorderly conduct or assemblages, and to punish for the same; to prevent and quell riots; to preserve peace and good order, and to protect the property of the corporation, and of its inhabitants, and of any association, public or private corporation or congregation therein, and to punish for injuries thereto, or for unlawful interference therewith;

To apprehend and  
punish vagrants, etc.  
To abate  
nuisances.

*Second,* To apprehend and punish vagrants, drunkards, disorderly persons, and common prostitutes;

*Third,* To prevent injury or annoyance from anything dangerous, offensive, or unhealthy; to prohibit and remove anything tending to cause or promote disease; to prevent and abate nuisances, and to punish those occasioning them, or neglecting or refusing to abate, discontinue, or remove the same; and generally to determine and declare what shall be deemed nuisances;

To suppress  
disorderly  
houses, etc.

*Fourth,* To prohibit and suppress all disorderly houses and places, houses of ill fame, assignation houses, gambling houses, and all places where persons resort for gaming or to play at games of chance, and to punish the keepers thereof;

To regulate  
billiard tables,  
etc.

*Fifth,* To regulate, license, or prohibit, and suppress billiard-tables, nine or ten-pin alleys or tables, and ball-alleys, and to punish the keepers thereof;

To suppress  
gaming.

*Sixth,* To prohibit and suppress every species of gaming, and to authorize the seizure and destruction of all instruments and devices used for the purpose of gaming;

*Seventh,* To regulate, prohibit, and suppress ale, beer, and <sup>To regulate ale-houses, etc.</sup> porter houses, and all places of resort for tippling and intemperance, and to punish the keepers thereof, and all persons assisting in carrying on the business thereof; and to require all such places to be closed on the Sabbath day, and upon such other days and during such hours of every night as the council shall prescribe;

*Eighth,* To prohibit and prevent the selling or giving of any <sup>To prevent sale, etc., of liquors to minors, etc.</sup> spirituous, fermented, or intoxicating liquors to any drunkard or intemperate person, minor, or apprentice, and to punish any person so doing;

*Ninth,* To regulate, restrain and prohibit all sports, exhibitions of natural or artificial curiosities, caravans, circuses, <sup>To regulate shows, etc.</sup> menageries, theatrical exhibitions, shows, and all exhibitions of whatever name or nature, for which money or other reward is in any manner demanded or received; lectures on historic, literary, or scientific subjects excepted;

*Tenth,* To prevent and punish violations of the Sabbath <sup>To punish violation of Sabbath, etc.</sup> day, and the disturbance of any religious meeting, congregation, or society, or other public meeting assembled for any lawful purpose; and to require all places of business to be closed on the Sabbath day;

*Eleventh,* To license auctioneers, auctions and sales at <sup>To regulate auctions, etc.</sup> auction, to regulate or prohibit the sale of live or domestic animals at auction in the streets or alleys, or upon any public grounds within the city; to regulate or prohibit the sale of goods, wares, property, or any thing at auction, or by any manner of public biddings or offers by the buyers or seller after the manner of auction sales or Dutch auctions, and to license the same, and to regulate the fees to be paid by and to auctioneers; but no license shall be required in case of sales required by law to be made at auction or public vendue;

*Twelfth,* To license hawkers, peddlers, and pawn-brokers, <sup>To license peddlers, etc.</sup> and hawking and peddling; and to regulate, license, or prohibit the sale or peddling of goods, wares, merchandise, refresh-

ments, or any kind of property or thing by persons going about from place to place in the city for that purpose, or from any stand, cart, vehicle or other device, in the streets, highways or in or upon the wharves, docks, open places or spaces, public grounds or buildings in the city;

To license wharf boats, etc.

*Thirteenth*, To license and regulate wharf boats, and to regulate the use of tugs and other boats used in and about the harbor, and within the jurisdiction of the city;

Relative to ferries.

*Fourteenth*, To establish or authorize, license and regulate ferries to and from the city, or any place therein, or from one part of the city to another, and to regulate and prescribe from time to time the charges and prices for the transportation of persons and property thereon;

To license taverns, saloons, etc.

*Fifteenth*, To regulate and license all taverns and houses of public entertainment; all saloons, restaurants, and eating-houses;

To license hacks, etc.

*Sixteenth*, To license and regulate all vehicles, of every kind, used for the transportation of persons or property for hire, in the city;

Toll bridges.

*Seventeenth*, To regulate and license all toll bridges within the city, and to prescribe the rates and charges for passage over the same;

Inspection of certain provisions.

*Eighteenth*, To provide for and regulate the inspection of meats, poultry, fish, butter, cheese, lard, vegetables, flour, meat, and other provisions;

Weighting and measuring of merchandise

*Nineteenth*, To regulate the inspection, weighing, and measuring of brick, lumber, fire-wood, coal, hay, and any article of merchandise;

Sealing of weights and measures.

*Twentieth*, To provide for the inspection and sealing of weights and measures;

Relative to accurate weights.

*Twenty-first*, To enforce the keeping and use of proper weights and measures by venders;

Vaults, cisterns, etc.

*Twenty-second*, To regulate the construction, repair, and use of vaults, cisterns, areas, hydrants, pumps, sewers, and gutters;

*Twenty-third,* To prohibit and prevent, in the streets, or elsewhere in said city, indecent exposure of the person, the show, sale, or exhibition for sale, of indecent or obscene pictures, drawings, engravings, paintings, and books or pamphlets, and all indecent or obscene exhibitions and shows of every kind; To prevent obscenity.

*Twenty-fourth,* To regulate or prohibit bathing in the rivers, ponds, streams, and waters of the city. Bathing in rivers, etc.

*Twenty-fifth,* To provide for clearing the rivers, ponds, and streams of the city, and the races connected therewith, of all drift wood and noxious matter; to prohibit and prevent the depositing therein of any filth or other matter tending to render the waters thereof impure, unwholesome, and offensive; To preserve purity of streams, etc.

*Twenty-sixth,* To compel the owner or occupant of any grocery, tallow-chandler shop, soap or candle factory, butcher-shop or stall, slaughter-house, stable, barn, privy, sewer, or other offensive, nauseous, or unwholesome place or house, to cleanse, remove, or abate the same whenever the council shall deem it necessary for the health, comfort, or convenience of the inhabitants of said city; Relative to certain shops and offensive places.

*Twenty-seventh,* To regulate the keeping, selling, and using of gunpowder, fire-crackers and fire-works, and other combustible materials, and the exhibition of fire-works, and the discharge of fire-arms, and to restrain the making or lighting of fires in the streets and other open spaces in the city; Keeping and selling of gunpowder, etc.

*Twenty-eighth,* To direct and regulate the construction of cellars, slips, barns, private drains, sinks, and privies; to compel the owner or occupant to fill up, drain, cleanse, alter, relay, or repair the same, or to cause the same to be done by some proper officer of the corporation, and to assess the expenses thereof on the lot or premises having such cellar, slip, barn, private drain, sink, or privy thereon; To regulate drains, cellars, etc.

*Twenty-ninth,* To prohibit, prevent, and suppress mock-auctions, and every kind of fraudulent game, device, or practice, and to punish all persons managing, using, practicing, or To prevent mock-auctions, etc.

attempting to manage, use, or practice the same, and all persons aiding in the management or practice thereof;

To prevent  
lotteries.

*Thirtieth*, To prohibit, prevent, and suppress all lotteries for the drawing or disposing of money, or any other property whatsoever, and to punish all persons maintaining, directing, or managing the same, or aiding in the maintenance, directing, or managing the same;

Relative to  
hackmen,  
runners, etc.

*Thirty-first*, To license and regulate solicitors for passengers or for baggage for any hotel, tavern, public house, boat, or railroad; also draymen, carmen, truckmen, porters, runners, drivers of cabs, hackney coaches, omnibusses, carriages, sleighs, express vehicles, and vehicles of every other description used and employed for hire, and to fix and regulate the amounts and rates of their compensation;

Relative to  
paupers.

*Thirty-second*, To provide for the protection and care of paupers, and to prohibit and prevent all persons from bringing to the city, from any other place, any pauper, or other person likely to become a charge upon said city, and to punish therefor;

Relative to  
census.

*Thirty-third*, To provide for taking a census of the inhabitants of the city, whenever the council shall see fit; and to direct and regulate the same;

General  
authority to  
enact ordi-  
nances.

*Thirty-fourth*, And further: The council shall have authority to enact all ordinances, and to make all such regulations, consistent with the laws and constitution of the State, as they may deem necessary for the safety, order, and good government of the city, and the general welfare of the inhabitants thereof; but no exclusive rights, privileges, or permits shall be granted by the council to any person or persons, or to any corporation, for any purpose whatever.

Granting of  
licenses.

SEC. 2. The council may prescribe the terms and conditions upon which licenses may be granted, and may exact and require payment of such sum for any license as they may deem proper. The person receiving the license shall, before the issuing thereof, execute a bond to the corporation in such sum

Bond of  
licensees.

as the council may prescribe, with one or more sufficient sureties, conditioned for a faithful observance of the charter of the corporation and the ordinances of the council, and otherwise conditioned as the council may prescribe. Every license shall be revokable by the council at pleasure; and when any license shall be revoked for non-compliance with the terms and conditions upon which it was granted, or on account of any violation of any ordinance or regulation passed or authorized by the council, the person holding such license shall, in addition to all other penalties imposed, forfeit all payments made for such license.

SEC. 3. No license shall be granted for any term beyond the first Monday in June next thereafter, nor shall any license be transferable. And the council may provide for punishment by fine or imprisonment, or both, of any person who, without license, shall exercise any occupation, or trade, or do anything for or in respect to which any license shall be required by any ordinance or regulation of the council.

Terms of licenses and enforcing the taking out thereof.

SEC. 4. All sums received for licenses granted for any purpose by the city or under its authority, shall be paid into the city treasury to the credit of the contingent fund.

Disposition of money received for licenses.

SEC. 5. The council of any city shall have authority to permit any railroad company to lay its track, and operate its road with steam locomotives, in or across the public streets, highways, or alleys of the city, as the council may deem expedient, upon such terms and conditions, and subject to such regulations, to be observed by the company, as the council may prescribe; and to prohibit the laying of such track, or the operating of any such road, except upon such terms and conditions.

Crossing of streets by railroads.

SEC. 6. The council shall have power to provide for and change the location and grade of street crossings of any railroad track; and to compel any railroad company to raise or lower their railroad track, to conform to street grades which may be established by the city from time to time; and to con-

Regulations with regard to railroads and running of trains.

struct street crossings in such manner, and with such protection to persons crossing thereat, as the council may require; and to keep them in repair; also, to require and compel railroad companies to keep flagmen or watchmen at all railroad crossings of streets, and to give warning of the approach and passage of trains thereat, and to light such crossings during the night; to regulate and prescribe the speed of all locomotives and railroad trains within the city; but such speed shall not be required to be less than four miles per hour; and to impose a fine of not less than five nor more than fifty dollars, upon the company, and upon any engineer or conductor, violating any ordinance regulating the speed of trains.

*Idem.*

SEC. 7. The council shall have power to require and compel any railroad company, and any street railway company, to make, keep open and in repair, such ditches, drains, sewers, and culverts along and under, or across their railroad tracks, as may be necessary to drain their grounds and right of way properly, and in such manner as the council shall direct; and so that the natural drainage of adjacent property shall not be impeded. If any such railroad company shall neglect to perform any such requirement, according to the directions of the council, the council may cause the work to be done at the expense of such company, and the amount of such expense may be collected at the suit of the city against the company, in a civil action, before any court having jurisdiction of the cause.

*Partition fences.*

SEC. 8. The council is authorized to enact all such ordinances and laws as it may deem proper relative to the building, rebuilding, maintaining and repairing of partition fences by the owners and occupants of adjoining lots, inclosures, and parcels of land in said city; and relative to the assigning to the owners or occupants of such adjoining pieces of land the portion of such partition fences to be maintained by them respectively; and may provide for the recording of such assignments and divisions when made; and may provide for the



recovery of damages from any owner or occupant who shall fail to comply with the provisions and requirements of any ordinance relative to such partition fences. And the council <sup>Peace-view-ers.</sup> may appoint fence-viewers, and prescribe their duties and mode of proceeding in all cases relating to partition fences in said city.

SEC. 9. The council of any city may make such provision <sup>Support of poor.</sup> as they shall deem expedient for the support and relief of poor persons residing in the city; and for that purpose may provide by ordinance for the election or appointment of a director of the poor for the city, and may prescribe his duties and vest him with such authority as may be proper for the due exercise of his duties.

## CHAPTER XII.

### POLICE.

SECTION 1. The council of any city may provide by ordinance for a police force, and for the appointment by the mayor, <sup>Provision for appointment.</sup> by and with the consent of the council, of such number of policemen and night-watchmen as they may think necessary for the good government of the city, and for the protection of the persons and property of the inhabitants; and may authorize the mayor to appoint special policemen from time to time when in his judgment the emergency or necessity may so require; and may provide for and appoint subordinate officers for the police and night-watchmen.

SEC. 2. The council may make and establish rules for the regulation and government of the police, prescribing and defin- <sup>Rules for government thereof.</sup> ing the powers and duties of policemen and night-watchmen, and shall prescribe and enforce such police regulations as will most effectually preserve the peace and good order of the city, preserve the inhabitants from personal violence, and protect public and private property from destruction by fire and from unlawful depredation. And the mayor is hereby authorized, whenever he shall deem it necessary for the preservation of

**Temporary police.** peace and good order in the city, to appoint and place on duty such number of temporary policemen, as in his judgment the emergencies of the case may require; but such appointments, unless made in accordance with some ordinance or resolution of the council, shall not continue longer than three days.

**Authority of marshal as chief of police.** SEC. 3. The city marshal, subject to the direction of the mayor, shall, as chief of police, have the superintendence and direction of the policemen and night-watchmen, subject to such regulations as may be prescribed by the council.

**Powers and duties of policemen.** SEC. 4. It shall be the duty of the police and night-watchmen and officers of the force, under the direction of the mayor and chief of police, and in conformity with the ordinances of the city, to suppress all riots, disturbances, and breaches of the peace; and to pursue and arrest any person fleeing from justice, in any part of the State; to apprehend any and all persons in the act of committing any offense against the laws of the State, or the ordinances of the city, and to take the offender forthwith before the proper court or magistrate, to be dealt with for the offense; to make complaints to the proper officers and magistrates of any person known or believed by them to be guilty of the violation of the ordinances of the city, or the penal laws of the State; and at all times diligently and faithfully to enforce all such laws, ordinances, and regulations for the preservation of good order and the public welfare as the council may ordain; and to serve all process directed or delivered to them for service, and for such purposes the chief of police, and every policeman and night-watchman shall have all the powers of constables, and may arrest upon view and without process, any person in the act of violating any ordinance of the city, or of committing any crime against the laws of the State. And the chief of police and any policeman may serve and execute all process in suits and proceedings for violations of the ordinances of the city, and also any other process which, by law, a constable may serve.

**Fees.** SEC. 5. When employed in the service of process, policemen

shall receive the same fees therefor as are allowed to constables for like services; when otherwise engaged in the performance of police duty, they shall receive such compensation therefor from the city as the council may prescribe. Every policeman shall report on oath to the council, at its first meeting in every month, the amount of all moneys and fees received by him for services as policeman since his last preceding report, and the names of the persons from whom received, and the amount received from each. Monthly report.

SEC. 6. The mayor may suspend any policeman or night-watchman for neglect of duty, misconduct, or other sufficient cause, and the council may remove from office any policeman appointed thereto at any time. Suspensions and removals.

## CHAPTER XIII.

### CITY PRISON.

SECTION 1. The council of any city shall have power to provide and maintain a city prison, and such watch or station houses as may be necessary, and may provide for the confinement therein of all persons liable to imprisonment or detention under the ordinances of the city, and for the employment of those imprisoned therein. Provision for, and imprisonment therein.

SEC. 2. All persons sentenced to confinement in the city prison, and all persons imprisoned therein on execution or commitment for the non-payment of fines for violations of the ordinances of the city, may be kept at hard labor during the term of their imprisonment, either within or without the prison, under such regulations as the council may prescribe. Prisoners may be kept at hard labor

## CHAPTER XIV.

### PUBLIC HEALTH.

SECTION 1. The council of any city may enact all such ordinances as may be deemed necessary for the preservation and protection of the health of the inhabitants thereof, and to prevent the introduction of malignant, infectious, or con- Provisions for protection of.

tagious diseases within the city, or within one mile thereof; and for the removal of persons having such diseases, or who, from exposure thereto or otherwise may be suspected or believed to be liable to communicate the same, either beyond the city limits or to such hospital or place of treatment within the city as the council may prescribe, or the public safety may require.

Abatement  
of nuisances  
dangerous to  
health.

SEC. 2. The council shall have power to prevent and remove or abate all nuisances dangerous to life or health within the city; and may require any person, corporation, or company causing such nuisance, and the owner or occupant of any lot or premises upon or in which any such nuisance or cause of disease may be found, to remove or abate the same, upon such notice, and within such time, and in such manner as the council may by ordinance or resolution direct.

Cleaning or  
draining of  
unwhole-  
some places.

SEC. 3. If any cellar, vault, lot, sewer, drain, place, or premises within the city shall be damp, unwholesome, offensive, or filthy, or be covered during any portion of the year with stagnant or impure water, or shall be in such condition as to produce unwholesome or offensive exhalations, the council may cause the same to be drained, filled up, cleaned, amended, or purified; or may require the owner or occupant, or person in charge of such lot, premises, or place, to perform such duty; and may require the owner or occupant of any building, fence, or structure which may be ruinous, or liable to fall and injure persons or property, to pull down or remove the same; or the council may cause the same to be done by the proper officers of the city.

Removal of  
dangerous  
structures.

Collection of  
expense of  
removals,  
etc., by city  
in cases of  
neglect.

SEC. 4. If any person, corporation, or company shall neglect to remove or abate any nuisance, or to perform any requirement made by or in accordance with any ordinance or resolution of the council, or by the board of health of the city, for the protection of the health of the inhabitants, and if any expense shall be incurred by the city in removing or abating such nuisance, or in causing such duty or requirement to be

performed, such expense may be recovered by the city in an action of debt or assumpsit against such person, corporation, or company. And in all cases where the city shall incur any expense for draining, filling, cleansing, or purifying any lot, place, or premises, or for removing any unsafe building or structure, or for removing or abating any nuisance found upon any such lot or premises, the council may, in addition to all other remedies provided for the recovery of such expense, charge the same or such part thereof as they shall deem proper, upon the lot or premises upon or on account of which such expense was incurred, or from which such nuisance was removed or abated, and cause the same to be assessed upon such lot or premises and collected as a special assessment.

SEC. 5. The council, when they shall deem it necessary, may from time to time assign, by ordinance, certain places within the city for the exercising of any trade or employment offensive to the inhabitants or dangerous to the public health; and may forbid the exercise thereof in places not so assigned; and may change or revoke such assignments at pleasure; and whenever a business, carried on in any place so assigned, or in any other place in the city, shall become hurtful and dangerous to the health of the neighborhood, the council may prohibit the further exercise of such business or employment at such place.

SEC. 6. The council may purchase the necessary lands, and erect thereon, or otherwise provide, one or more hospitals, either within or without the city limits, and provide for the appointment of the necessary officers, attendants, or employes, for the care and management thereof, and for the care and treatment therein, of such sick and diseased persons as to the council or board of health of the city shall seem proper; and, by direction of the council or board of health, persons having any malignant, infectious, or contagious disease, may be removed to such hospital, and there detained and treated, when the public safety may so require; and the council may

Assignment  
of location  
for carrying  
on offensive  
or danger-  
ous business

Establish-  
ment of hos-  
pitals and  
detention of  
persons  
having con-  
tagious dis-  
eases.

provide such restraints and punishments as may be necessary to prevent any such person from departing from such hospital until duly discharged.

Council  
vested with  
powers as  
boards of  
health.

SEC. 7. The council of any city incorporated under this act, shall also have and exercise within and for the city, all the powers and authority conferred upon boards of health by chapter forty-six of the compiled laws of eighteen hundred and seventy one, so far as the same are applicable and consistent with this act; and they may enact such ordinance as may be proper for regulating the proceedings and mode of exercising such powers and authority.

Establish-  
ment of  
boards of  
health and  
their author-  
ity.

SEC. 8. The council when deemed necessary may establish a board of health for the city and appoint the necessary officers thereof, and provide rules for its government, and invest it with such power and authority as may be necessary for the protection and preservation of the health of the city; and in addition thereto the board shall have and exercise all the powers and authority conferred on boards of health by the chapter of the compiled laws referred to in the preceding section, so far as they may be exercised consistently with the provisions of this act. And the council may prescribe penalties for the violation of any lawful order, rule, or regulation made by the board of health or any officers thereof.

## CHAPTER XV.

### CEMETERIES.

Acquisition  
and regula-  
tion as to  
interments,  
etc.

SECTION 1. Any city may acquire, hold, and own such cemetery or public burial place or places, either within or without the limits of the corporation, as in the opinion of the council shall be necessary for the public welfare and suitable for the convenience of the inhabitants. And may prohibit the interment of the dead within the city, or may limit such interments therein to such cemetery or burial place as the council may prescribe; and the council may cause any bodies buried within

the city in violation of any rule or ordinance made in respect to such burials, to be taken up and buried elsewhere.

SEC. 2. The council may, within the limitations in this act contained, raise and appropriate such sums as may be necessary for the purchase of cemetery grounds, and for the improvement, adornment, protection, and care thereof. Raising of money for.

SEC. 3. Whenever any city shall own, purchase, or otherwise acquire any cemetery or cemetery grounds, the council shall appoint three trustees who shall be freeholders and electors in the city, and who, with the city clerk, shall constitute a "Board of Cemetery Trustees." The three trustees so appointed shall hold their offices for the term of three years, except that at the first appointment one shall be appointed for one year, one for two years, and one for the term of three years from the first Monday in May of the year when appointed, and annually thereafter one trustee shall be appointed. The council may remove any trustee so appointed, for inattention to his duties, want of proper judgment, skill, or taste for the proper discharge of the duties required of him, or other good cause. Said board shall serve without compensation. Appoint-ment of cemetery trustees. Term of office. Removals from office. Compensation.

SEC. 4. The board of cemetery trustees shall appoint one of their number chairman, and the city clerk shall be clerk of the board. And the council may, by ordinance, invest the board with such powers and authority as may be necessary for the care, management, and preservation of such cemetery and grounds, the tombs and monuments therein, and the appurtenances thereof; and in addition to the duties herein mentioned, the board shall perform such other duties as the council may prescribe. Organization and powers of board.

SEC. 5. Said board, subject to the directions and ordinances of the council, shall have the care and management of any such cemetery or burial place or places, and shall direct the improvements and embellishments of the grounds; cause such grounds to be laid out into lots, avenues, and walks; the lots to be numbered, and the avenues and walks to be named, and plats Care, laying out, and establishment of grounds. Sale of lots.

thereof to be made and recorded in the office of the city clerk. The board shall fix the price of lots, and make the sales thereof. The conveyances of such lots shall be executed on behalf of the city by the city clerk, and be recorded in his office at the expense of the purchasers.

Appoint-  
ment of  
superin-  
tendents,  
etc., expen-  
diture of  
money and  
care of  
grounds.

SEC. 6. Said board shall appoint the necessary superintendents and employees for the cemetery; expend the money provided for the care and improvement of the grounds; enforce the ordinances of the city made for the management and care thereof; and make such regulations for the burial of the dead, the care and protection of the grounds, monuments, and appurtenances of the cemetery, and the orderly conduct of persons visiting the grounds, as may be consistent with the ordinances of the city and the laws of the State.

"Cemetery  
fund."

SEC. 7. All moneys raised for any public cemetery authorized by this act, and all moneys received from the sale of lots therein, or otherwise therefrom, shall be paid into the city treasury, and constitute a fund to be denominated the "cemetery fund." Said fund shall not be devoted or applied to any other purpose, except the purposes of such cemetery. The board of trustees shall report to the council annually on the first Monday in March, and oftener when the council shall so require, the amount of all moneys received into and owing to the cemetery fund, and from what source, and from whom; and the date, amount, items, and purpose of all expenditures and liabilities incurred, and to whom paid, and to whom incurred; and such other matters as the council shall require to be reported,—which report shall be verified by the oath of the clerk of the board.

Monthly  
report of  
board.

General  
authority  
over ceme-  
teries.

SEC. 8. The council of any city, owning a public burial ground or cemetery, whether within or without the city, may pass and enforce all ordinances necessary to carry into effect the provisions herein, and to control or regulate such cemetery or burial place, and the improvement thereof, and to protect the same and the appurtenances thereof from injury, and to



punish violations of any lawful orders and regulations made by the board of cemetery trustees.

SEC. 9. The council shall have power also to pass all ordinances deemed necessary for the preservation and protection of any cemetery or burial place within the city, belonging to or under the control of any church, religious society, corporation, company, or association, and for the protection and preservation of the tombs, monuments, and improvements thereof and the appurtenances thereto. Protection of church cemeteries.

## CHAPTER XVI.

### POUNDS.

SECTION 1. The council may provide and maintain one or more pounds within the city, and may appoint pound-masters, prescribe their powers and duties, and fix their compensation ; and may authorize the impounding of all beasts, geese, and other fowls found in the streets or otherwise at large contrary to any ordinance of the city ; and if there shall be no pound or pound-master, they may provide for the impounding of such beasts, geese, and fowls, by the city marshal, in some suitable place under his immediate care and inspection, and may confer on him the powers and duties of pound-master. Pounds, pound masters, and the impounding of animals.

SEC. 2. The council may also prescribe the fees for impounding, and the amount or rate of expenses for keeping, and the charges to be paid by the owner or keeper of the beasts, geese, or fowls impounded ; and may authorize the sale of such beasts, geese, and fowls for the payment of such fees, expenses, and charges, and for penalties incurred, and may impose penalties for rescuing any beast or thing impounded. Fees, charges, and penalties.

## CHAPTER XVII.

### HARBORS, WHARVES, AND HARBOR-MASTERS.

SECTION 1. The council of any city located upon or adjacent to any of the navigable waters of the State, shall have the power to establish, construct, maintain, and control public Establishment and control of public wharves.

tagious diseases within the city, or within one mile thereof; and for the removal of persons having such diseases, or who, from exposure thereto or otherwise may be suspected or believed to be liable to communicate the same, either beyond the city limits or to such hospital or place of treatment within the city as the council may prescribe, or the public safety may require.

Abatement  
of nuisances  
dangerous to  
health.

SEC. 2. The council shall have power to prevent and remove or abate all nuisances dangerous to life or health within the city; and may require any person, corporation, or company causing such nuisance, and the owner or occupant of any lot or premises upon or in which any such nuisance or cause of disease may be found, to remove or abate the same, upon such notice, and within such time, and in such manner as the council may by ordinance or resolution direct.

Cleaning or  
draining of  
unwholesome  
places.

SEC. 3. If any cellar, vault, lot, sewer, drain, place, or premises within the city shall be damp, unwholesome, offensive, or filthy, or be covered during any portion of the year with stagnant or impure water, or shall be in such condition as to produce unwholesome or offensive exhalations, the council may cause the same to be drained, filled up, cleaned, amended, or purified; or may require the owner or occupant, or person in charge of such lot, premises, or place, to perform such duty; and may require the owner or occupant of any building, fence, or structure which may be ruinous, or liable to fall and injure persons or property, to pull down or remove the same; or the council may cause the same to be done by the proper officers of the city.

Removal of  
dangerous  
structures.

Collection of  
expense of  
removals,  
etc., by city  
in cases of  
neglect.

SEC. 4. If any person, corporation, or company shall neglect to remove or abate any nuisance, or to perform any requirement made by or in accordance with any ordinance or resolution of the council, or by the board of health of the city, for the protection of the health of the inhabitants, and if any expense shall be incurred by the city in removing or abating such nuisance, or in causing such duty or requirement to be

performed, such expense may be recovered by the city in an action of debt or assumpsit against such person, corporation, or company. And in all cases where the city shall incur any expense for draining, filling, cleansing, or purifying any lot, place, or premises, or for removing any unsafe building or structure, or for removing or abating any nuisance found upon any such lot or premises, the council may, in addition to all other remedies provided for the recovery of such expense, charge the same or such part thereof as they shall deem proper, upon the lot or premises upon or on account of which such expense was incurred, or from which such nuisance was removed or abated, and cause the same to be assessed upon such lot or premises and collected as a special assessment.

SEC. 5. The council, when they shall deem it necessary, may from time to time assign, by ordinance, certain places within the city for the exercising of any trade or employment offensive to the inhabitants or dangerous to the public health; and may forbid the exercise thereof in places not so assigned; and may change or revoke such assignments at pleasure; and whenever a business, carried on in any place so assigned, or in any other place in the city, shall become hurtful and dangerous to the health of the neighborhood, the council may prohibit the further exercise of such business or employment at such place.

SEC. 6. The council may purchase the necessary lands, and erect thereon, or otherwise provide, one or more hospitals, either within or without the city limits, and provide for the appointment of the necessary officers, attendants, or employes, for the care and management thereof, and for the care and treatment therein, of such sick and diseased persons as to the council or board of health of the city shall seem proper; and, by direction of the council or board of health, persons having any malignant, infectious, or contagious disease, may be removed to such hospital, and there detained and treated, when the public safety may so require; and the council may

Assignment  
of location  
for carrying  
on offensive  
or danger-  
ous business

Establish-  
ment of hos-  
pitals and  
detention of  
persons  
having con-  
tagious dis-  
eases.

provide such restraints and punishments as may be necessary to prevent any such person from departing from such hospital until duly discharged.

Council  
vested with  
powers as  
boards of  
health.

SEC. 7. The council of any city incorporated under this act, shall also have and exercise within and for the city, all the powers and authority conferred upon boards of health by chapter forty-six of the compiled laws of eighteen hundred and seventy one, so far as the same are applicable and consistent with this act; and they may enact such ordinance as may be proper for regulating the proceedings and mode of exercising such powers and authority.

Establish-  
ment of  
boards of  
health and  
their author-  
ity.

SEC. 8. The council when deemed necessary may establish a board of health for the city and appoint the necessary officers thereof, and provide rules for its government, and invest it with such power and authority as may be necessary for the protection and preservation of the health of the city; and in addition thereto the board shall have and exercise all the powers and authority conferred on boards of health by the chapter of the compiled laws referred to in the preceding section, so far as they may be exercised consistently with the provisions of this act. And the council may prescribe penalties for the violation of any lawful order, rule, or regulation made by the board of health or any officers thereof.

## CHAPTER XV.

### CEMETERIES.

Acquisition  
and regula-  
tion as to  
interments,  
etc.

SECTION 1. Any city may acquire, hold, and own such cemetery or public burial place or places, either within or without the limits of the corporation, as in the opinion of the council shall be necessary for the public welfare and suitable for the convenience of the inhabitants. And may prohibit the interment of the dead within the city, or may limit such interments therein to such cemetery or burial place as the council may prescribe; and the council may cause any bodies buried within

the city in violation of any rule or ordinance made in respect to such burials, to be taken up and buried elsewhere.

SEC. 2. The council may, within the limitations in this act Raising of money for. contained, raise and appropriate such sums as may be necessary for the purchase of cemetery grounds, and for the improvement, adornment, protection, and care thereof.

SEC. 3. Whenever any city shall own, purchase, or otherwise Appointment of cemetery trustees. acquire any cemetery or cemetery grounds, the council shall appoint three trustees who shall be freeholders and electors in the city, and who, with the city clerk, shall constitute a "Board of Cemetery Trustees." The three trustees Term of office. so appointed shall hold their offices for the term of three years, except that at the first appointment one shall be appointed for one year, one for two years, and one for the term of three years from the first Monday in May of the year when appointed, and annually thereafter one trustee shall be appointed. The council Removals from office. may remove any trustee so appointed, for inattention to his duties, want of proper judgment, skill, or taste for the proper discharge of the duties required of him, or other good cause. Said board shall serve without compensation. Compensation.

SEC. 4. The board of cemetery trustees shall appoint one of Organization and powers of board. their number chairman, and the city clerk shall be clerk of the board. And the council may, by ordinance, invest the board with such powers and authority as may be necessary for the care, management, and preservation of such cemetery and grounds, the tombs and monuments therein, and the appurtenances thereof; and in addition to the duties herein mentioned, the board shall perform such other duties as the council may prescribe.

SEC. 5. Said board, subject to the directions and ordinances Care, laying out, and establishment of grounds. of the council, shall have the care and management of any such cemetery or burial place or places, and shall direct the improvements and embellishments of the grounds; cause such grounds to be laid out into lots, avenues, and walks; the lots to be Sale of lots. numbered, and the avenues and walks to be named, and plats

thereof to be made and recorded in the office of the city clerk. The board shall fix the price of lots, and make the sales thereof. The conveyances of such lots shall be executed on behalf of the city by the city clerk, and be recorded in his office at the expense of the purchasers.

Appoint-  
ment of  
superin-  
tendents,  
etc., expen-  
diture of  
money and  
care of  
grounds.

SEC. 6. Said board shall appoint the necessary superintendents and employees for the cemetery; expend the money provided for the care and improvement of the grounds; enforce the ordinances of the city made for the management and care thereof; and make such regulations for the burial of the dead, the care and protection of the grounds, monuments, and appurtenances of the cemetery, and the orderly conduct of persons visiting the grounds, as may be consistent with the ordinances of the city and the laws of the State.

"Cemetery  
fund."

SEC. 7. All moneys raised for any public cemetery authorized by this act, and all moneys received from the sale of lots therein, or otherwise therefrom, shall be paid into the city treasury, and constitute a fund to be denominated the "cemetery fund." Said fund shall not be devoted or applied to any other purpose, except the purposes of such cemetery. The board of trustees shall report to the council annually on the first Monday in March, and oftener when the council shall so require, the amount of all moneys received into and owing to the cemetery fund, and from what source, and from whom; and the date, amount, items, and purpose of all expenditures and liabilities incurred, and to whom paid, and to whom incurred; and such other matters as the council shall require to be reported,—which report shall be verified by the oath of the clerk of the board.

Monthly  
report of  
board.

General  
authority  
over ceme-  
teries.

SEC. 8. The council of any city, owning a public burial ground or cemetery, whether within or without the city, may pass and enforce all ordinances necessary to carry into effect the provisions herein, and to control or regulate such cemetery or burial place, and the improvement thereof, and to protect the same and the appurtenances thereof from injury, and to

punish violations of any lawful orders and regulations made by the board of cemetery trustees.

SEC. 9. The council shall have power also to pass all ordinances deemed necessary for the preservation and protection of any cemetery or burial place within the city, belonging to or under the control of any church, religious society, corporation, company, or association, and for the protection and preservation of the tombs, monuments, and improvements thereof and the appurtenances thereto. Protection of church cemeteries.

## CHAPTER XVI.

### POUNDS.

SECTION 1. The council may provide and maintain one or more pounds within the city, and may appoint pound-masters, prescribe their powers and duties, and fix their compensation ; and may authorize the impounding of all beasts, geese, and other fowls found in the streets or otherwise at large contrary to any ordinance of the city ; and if there shall be no pound or pound-master, they may provide for the impounding of such beasts, geese, and fowls, by the city marshal, in some suitable place under his immediate care and inspection, and may confer on him the powers and duties of pound-master. Pounds, pound masters, and the impounding of animals.

SEC. 2. The council may also prescribe the fees for impounding, and the amount or rate of expenses for keeping, and the charges to be paid by the owner or keeper of the beasts, geese, or fowls impounded ; and may authorize the sale of such beasts, geese, and fowls for the payment of such fees, expenses, and charges, and for penalties incurred, and may impose penalties for rescuing any beast or thing impounded. Fees, charges, and penalties.

## CHAPTER XVII.

### HARBORS, WHARVES, AND HARBOR-MASTERS.

SECTION 1. The council of any city located upon or adjacent to any of the navigable waters of the State, shall have the power to establish, construct, maintain, and control public wharves. Establishment and control of public wharves.

wharves, docks, piers, landing places, and levees, basins, and canals, upon any lands or property belonging to or under the control of the city; and for that purpose the city shall have the use and control of the shore or bank of any lake or river within the city, not the property of individuals, to the extent to which the State can grant the same, and the council may lease wharfing and landing privileges upon any of the public wharves, docks, or landings, but not for a longer time than five years, and in such manner as to preserve the right of all persons to a free passage over the same with their baggage.

Grade and  
limit for  
construction  
of docks, etc.

SEC. 2. The council shall have authority also to require and cause all docks, wharves, and landings, whether upon public grounds or upon the property of private individuals, to be constructed and maintained in conformity with such grade as may be established therefor by the council, and prescribe the line beyond which any such wharf, dock, or landing shall not be constructed or maintained.

Regulations  
relative to  
the use of  
public  
wharves,  
docks, etc.

SEC. 3. The council shall have authority to prohibit the encumbering of the public wharves and landings, and to regulate the use of all wharves, docks, and landing places within the city; regulate the use and location of wharf boats; and to regulate and prescribe the rates and charges for landing, wharfage, and dockage at all public and private wharves, docks, and landings, and to collect wharfage and dockage from boats, water-craft, and floats landing at or using any public landing place, wharf, or dock within the city.

Provisions  
for purity of  
water in  
harbor, etc.

SEC. 4. The council shall have authority to provide by ordinance for the preservation of the purity of the waters of any harbor, river, or other waters within the city, and within one-half of a mile from the corporate boundaries thereof; to prohibit and punish the casting or depositing therein of any filth, logs, floating matter, or any injurious thing; to control and

And control  
of all boats,  
vessels, etc.,  
in harbor.

regulate the anchorage, moorage, and management of all boats, water-craft, and floats within the jurisdiction of the



city; to prescribe the mode and speed of entering and leaving the harbor, and of coming to and departing from the docks, wharves, and landings, by boats, water-craft, and floats; and to regulate and prescribe, by such ordinances or through a harbor-master or other officer, such location for any boat, craft, vessel, or float, and such changes of station in and use of the harbor as may be required to promote order therein, and the safety and convenience of all such boats, craft, vessels, and floats; and generally to enact and enforce such ordinances and regulations not inconsistent with the laws of the United States and of this State, as in the opinion of the council shall be most conducive to the orderly, safe, and convenient use and occupancy of the harbor, navigable waters, wharves, docks, piers, and landing places within the city.

SEC. 5. The council may also license and regulate the use of tugs, and prescribe the rates and charges of towage within the harbor or other waters of the city, and regulate the opening and passage of bridges.

Licensing of tugs, rates of towage and opening of bridges.

SEC. 6. The council may also appoint a harbor-master, wharf-masters, port wardens, and such other officers as may be necessary for the enforcement of all such ordinances and regulations as the council may lawfully enact and prescribe, in respect to and over the navigable waters, harbors, wharves, docks, landings, and basins, within the city, and in respect to the navigation, trade, and commerce of the city, and prescribe the powers and duties of such harbor-master and other officers, and to fix the compensation to be paid to them.

Appointment of harbor-masters, etc.

Control of harbors, etc.

Compensation.

## CHAPTER XVIII.

### FERRIES.

SECTION 1. The council of any city may regulate and license ferries from such city or any place or landing therein to the opposite shore, or from one part of the city to another; and may require the payment of such reasonable sum for such license as to the council shall seem proper; and may impose

Regulation and licensing of.

such reasonable terms and restrictions in relation to the keeping and management of such ferries, and the time, manner, and rates of carriage and transportation of persons and property as may be proper, and provide for the revocation of any such license, and for the punishment, by proper fines and penalties, of the violation of any ordinance prohibiting unlicensed ferries, and regulating those established and licensed.

## CHAPTER XIX.

### MARKETS.

Erection and regulation of market-houses, etc.

SECTION 1. The council of any city shall have the power to erect market-houses, establish and regulate markets and market-places, for the sale of meats, fish, vegetables, and other provisions and articles necessary to the sustenance, convenience, and comfort of the inhabitants; to prescribe the times for opening and closing the same; the kind and description of articles which may be sold; and the stands and places to be occupied by the vendors.

Rules to prevent fraud, etc., and to preserve order.

SEC. 2. The council may adopt and enforce such rules and regulations as may be necessary to prevent fraud, and to preserve order in the markets; and may authorize the immediate seizure, arrest, and removal from the market, of any person violating its regulations, together with any articles in his or their possession; and may authorize the seizure and destruction of tainted or unsound meats, or other provisions exposed for sale therein.

## CHAPTER XX.

### PUBLIC BUILDINGS, GROUNDS, AND PARKS.

Acquisition, use, and disposition of.

SECTION 1. Any city may acquire, purchase, and erect all such public buildings as may be required for the use of the corporation, and may purchase, acquire, appropriate, and own such real estate as may be necessary for public grounds, parks, markets, public buildings, and other purposes necessary or con-

venient for the public good, and the execution of the powers conferred in this act; and such buildings and grounds, or any part thereof, may be sold, leased, mortgaged, and disposed of as occasion may require.

SEC. 2. When the council shall deem it for the public interest, grounds and buildings for city prisons, work-houses, hospitals, pest-houses, cemeteries, water-works, and other necessary public uses, may be purchased, erected, and maintained beyond the corporate limits of the city; and in such cases the council shall have authority to enforce beyond the city limits, and over such lands, buildings, and property, in the same manner and to the same extent as if they were situated within the city, all such ordinances and police regulations as may be necessary for the care and protection thereof, and for the management and control of the persons kept or confined in such prisons, work-houses, or hospitals.

Of hospitals, work-houses, water-works, etc., outside city limits.

SEC. 3. The council shall have authority to lay out, establish, and enlarge, or vacate and discontinue public grounds and parks within the city, and to improve, light, and ornament the same, and to regulate the care thereof, and to protect the same and the appurtenances thereof from obstructions, encroachment, and injury, and from all nuisances.

Of parks, within city.

## CHAPTER XXI.

### SEWERS, DRAINS, AND WATER-COURSES.

SECTION 1. The council of any city may establish, construct, and maintain sewers and drains whenever and wherever necessary, and of such dimensions and materials, and under such regulations as they may deem proper for the drainage of the city; and private property, or the use thereof, may be taken therefor in the manner prescribed in this act for taking such property for public use. But in all cases where the council shall deem it practicable, such sewers and drains shall be constructed in the public streets and grounds.

Establishment and construction

Board of  
sewer com-  
missioners.

SEC. 2. If the council shall deem it expedient, they may establish a board of sewer commissioners for the city, consisting of not less than three, nor more than five persons, to have the management of the sewers and the charge of their construction; and may by ordinance prescribe their powers, compensation, terms of office, and duties.

Plan for  
drainage.

SEC. 3. Whenever it may become necessary in the opinion of the council to provide sewerage and drainage for the city or any part thereof, it shall be their duty to devise or cause a plan of drainage to be devised for the whole city, or for such part thereof as they shall determine.

Main sewer  
districts.

SEC. 4. Such plan shall, in the discretion of the council, be formed with the view of the division of the city into main sewer districts, each to include one or more main or principal sewers, with the necessary branches and connections; the districts to be numbered and so arranged as to be as nearly independent of each other as may be. Plats or diagrams of such plan, when adopted, shall be filed in the office of the city clerk.

Plats.

Special sewer  
districts.

SEC. 5. Main sewer districts may be subdivided into special sewer districts in such manner that each special district shall include one or more lateral or branch sewers connecting with a main sewer, and such lands as in the opinion of the council will be benefited by the construction thereof. When deemed necessary, special sewer districts, to include one or more local or branch sewers and such lands as in the opinion of the council will be benefited by the construction thereof, may be formed of territory not included in any main sewer district.

Trunk  
sewers.

SEC. 6. The council may, however, provide for main or trunk sewers without reference to sewer districts, diagrams or plats of which shall be recorded in the office of the city clerk in the book of sewer records.

Manner of  
paying for  
various  
kinds of  
sewers.

SEC. 7. The cost and expenses of establishing and making any main or trunk sewers, constructed without reference to sewer districts, shall be paid out of the general sewer fund. Such part as the council shall determine, being not less than

one-sixth of the cost and expense of any main district sewer or of the cost of any lateral, branch, or local sewer constructed within a special sewer district, shall be paid from the general sewer fund, and the remainder of such cost and expenses shall be defrayed by special assessment upon all the taxable lands and premises included within the main or special sewer district, as the case may be, in proportion to the estimated benefits accruing to each parcel respectively from the construction of the sewer. Assessments according to benefits as aforesaid shall be made without reference to any improvements or buildings upon the lands.

SEC. 8. Before proceeding to the construction of any district sewer, the council shall cause a diagram and plat of the whole sewer district to be made, showing all the streets, public grounds, lands, lots, and subdivisions thereof in the district, and the proposed route and location of the sewer; and the depth, grade, and dimensions thereof, and shall procure an estimate of the cost thereof. And they shall give notice, by publication for at least two weeks, in one of the newspapers of the city, of the intention to construct such sewer, and where said diagram and plat may be found for examination, and of the time when the council will meet and consider any suggestions and objections that may be made by parties interested with respect to such sewer.

Diagram and estimate of cost of sewers to be built.

Notice of intention to construct sewers.

SEC. 9. When the council shall determine to construct any such district sewer, they shall so declare by resolution, designating the district and describing by reference to the plat and diagram thereof, mentioned in the preceding section, the route and location, grade, and dimensions of the sewer, and shall determine in the same resolution what part of the estimated expenses of the sewer shall be paid from the general sewer fund, and what part shall be defrayed by special assessment according to benefits; and they shall cause such plat and diagram as adopted to be recorded in the office of the city clerk, in the book of sewer records.

Determination to construct district sewer declared by resolution.

Apportionment of expenses.

Record of plat.

Special assessments for sewers.

SEC. 10. Special assessments for the construction of sewers shall be made by the board of assessors in the manner provided in this act for making special assessments.

Formation of sewer districts on petition.

SEC. 11. When the owners of a majority of the lands liable to taxation in any sewer district or part of the city which may be constituted a sewer district, shall petition for the construction of a sewer therein, the council shall construct a district sewer in such location, and if the lands including the line of such proposed sewer are not within any sewer district, a district shall be formed for that purpose. In other cases sewers shall be constructed in the discretion of the council.

Ordering construction of private drains.

SEC. 12. Whenever the council shall deem it necessary for the public health, they may require the owners and occupants of lots and premises to construct private drains therefrom to connect with some public sewer or drain, and thereby to drain such lots and premises; and to keep such private drains in repair and free from obstruction and nuisance; and if such private drains are not constructed and maintained according to such requirement, the council may cause the work to be done at the expense of such owner or occupant, and the amount of such expense shall be a lien upon the premises drained, and may be collected by special assessment to be levied thereon.

Expenses thereof.

Connection of premises, etc., with public sewers.

SEC. 13. The owners or occupants of lots and premises shall have the right to connect the same, at their own expense, by means of private drains, with the public sewers and drains, under such rules and regulations as the council shall prescribe.

Owners of such premises to pay an annual fee therefor.

SEC. 14. The council may charge and collect annually from persons whose premises are connected by private drains with the public sewers, such reasonable sum, not exceeding two dollars per year, as they may deem just, in proportion to the amount of drainage through such private drain; and such charge shall be a lien upon the premises, and may be collected by special assessment thereon, or otherwise.

SEC. 15. Such part of the expenses of providing ditches

and improving water-courses as the council shall determine, may be defrayed by special assessment upon the lands and premises benefited thereby, in proportion to such benefits.

Special assessments for ditches, etc.

SEC. 16. The expenses of repairing public sewers, ditches, and water-courses may be paid from the general sewer fund. The expenses of reconstructing public sewers shall be defrayed in the manner herein prescribed for paying the expenses of the construction thereof.

Expenses of repairing and reconstructing.

SEC. 17. The council may enact such ordinances as may be necessary for the protection and control of the public drains and sewers, and to carry into effect the powers herein conferred in respect to drainage of the city.

Protection and control of public sewers, etc.

## CHAPTER XXII.

### STREETS AND PUBLIC GROUNDS.

SECTION 1. The council shall have supervision and control of all public highways, bridges, streets, avenues, alleys, sidewalks, and public grounds within the city, and shall cause the same to be kept in repair, and free from nuisance.

Control and repairing of.

SEC. 2. But the city shall not be responsible for the care, improvement, or repair of any street or alley laid out or dedicated to public use by the proprietors of any lands which had not been actually accepted, worked, and used by the public as a street or alley before the incorporation [of] the city under this act, [nor] for the improvement and repair of any street or alley laid out or dedicated by any such proprietor after such incorporation, unless the dedication shall be accepted and confirmed by the council by an ordinance specially passed for that purpose.

Care of streets not accepted by council.

SEC. 3. The council shall have authority to lay out, open, widen, extend, straighten, alter, close, vacate, or abolish any highway, street, or alley in the city, whenever they shall deem the same a public improvement; and if in so doing it shall be necessary to take or use private property, the same may be taken in the manner in this act provided for taking private

Laying out, altering or vacating streets.

Expenses thereof.

property for public use. The expense of such improvement, except the amounts paid for private property taken for public streets, may be paid by special assessments upon the property adjacent to or benefited by such improvement, in the manner in this act provided for levying and collecting special assessments; or in the discretion of the council, a portion of such cost and expenses may be paid by special assessments as aforesaid, and the balance from the general street fund.

Vacating of streets.

SEC. 4. When the council shall deem it advisable to vacate, discontinue, or abolish any street, alley, or public ground, or any part thereof, they shall by resolution so declare, and in the same resolution shall appoint a time, not less than four weeks thereafter, when they will meet and hear objections thereto; notice of such meeting with a copy of said resolution shall be published for not less than four weeks before the time appointed for such meeting, in one of the newspapers of the city. Objections to such proposed action of the council may be filed with the city clerk in writing, and if any such shall be filed, the street, alley, or public ground, or any part thereof, shall not be vacated or discontinued, except by a concurring vote of two-thirds of the aldermen elect.

Notice of meeting to hear objections.

Filing of objections with city clerk.

Effect of such filing.

Survey of streets and records of same.

SEC. 5. The council may cause all public streets, alleys, and public grounds to be surveyed, and may determine and establish the boundaries thereof, and cause the surveys and description thereof to be recorded in the office of the city clerk, in a book of street records; and they shall cause surveys and descriptions of all streets, alleys, and public grounds opened, laid out, altered, extended, or accepted and confirmed by the council, to be recorded in like manner; and such record shall be *prima facie* evidence of the existence of such streets, alleys, or public grounds as in the records described. Every resolution or ordinance discontinuing or vacating any street, alley, or public ground, shall also be recorded in said book of street records, and the record shall be *prima facie* evidence of all the matters therein set forth.

Record of resolution vacating streets.



SEC. 6. The council shall have authority to determine and establish the grades of all streets, avenues, alleys, and public grounds within the city, and to require improvements and buildings adjacent to or abutting upon such streets, alleys, or grounds, to be made and constructed in conformity with such grade; and the council may change or alter the grade of any street, alley, or public ground, or of any part thereof, whenever in their opinion the public convenience will be promoted thereby. Whenever a grade shall be established or altered, a record and diagram thereof shall be made in the book of street records in the office of the city clerk.

Street grades and making of adjacent improvements.

Record of grade or change thereof.

SEC. 7. Whenever any street, alley, or public highway shall have been graded, or pavement shall have been constructed in conformity to grades established by authority of the city, and the expense thereof shall have been assessed upon lots or lands bounded by or abutting upon such street, alley, or public highway, the owner or owners of such lots or lands shall not be subject to any special assessment occasioned by any subsequent change of grade in such pavement, street, alley, or public highway, unless such change be asked for by a majority of the owners of such lots or lands; but the expense of all improvements occasioned by such change of grade shall be chargeable to, and paid by the city.

Expense attending change of grade when not asked for.

SEC. 8. If any damage shall result to any owner by a change of the established grade of any street, alley, sidewalk, wharf, or landing, the council may, in their discretion, levy and collect the amount thereof by special assessment upon the lots benefited thereby, and therewith pay the same; but the city shall incur no liability by reason of anything in this section contained.

Damages resulting by a change of grade.

#### PAVING AND IMPROVEMENTS.

SEC. 9. The council shall have power to grade, pave, plank, gravel, curb, and otherwise improve and repair the highways, streets, avenues, lanes, and alleys of the city; and for that purpose, and for defraying the expenses thereof, may divide the

Authority for.

**"Paving" defined.**

city into street districts. The term "paving" shall be deemed to include the construction of cross-walks, gutters, and curbing.

**Apportionment of paving, etc.**

SEC. 10. Such part of the expenses of improving any street, lane or alley, by grading, paving, planking, graveling, curbing, or otherwise, and of repairing the same as the council shall determine, may be paid from the general street fund or from the street district fund of the proper street district, or in part from each; or the whole, or such part of the expense of such improvement as the council shall determine, may be defrayed by special assessments upon lots and premises included in a special assessment district, to be constituted of the lands fronting upon that part of the street or alley so improved or proposed so to be; or constituted of lands fronting upon such improvement, and such other lands as in the opinion of the council may be benefited by the improvement.

**Idem.**

SEC. 11. When expenses for any such improvement or repairs shall be assessed in a special assessment district, and there shall be lands belonging to the city, school buildings, or other public buildings, or public grounds not taxable, fronting upon such improvement, such part of the expense of such improvement as in the opinion of the council or board of assessors making a special assessment would be justly apportionable to such public grounds, buildings, and city property, and to any interior squares or spaces formed by the intersection of streets, were they taxable, shall be paid from the general street fund, or from the proper street district fund, or partly from each, as the council shall determine to be just, and the balance of such expenses shall be assessed upon the taxable lots and premises included in the special assessment district, in proportion to their number of feet frontage upon such improvement; or, if the special assessment district shall include other lands not fronting upon the improvement, then upon all the lands included in such special assessment district, in proportion to

**When public property fronts improvement.**

the estimated benefits resulting thereto from the improvement. When such assessment is to be made upon lots in proportion to their frontage upon the improvement, if from the shape or size of any lot an assessment thereon in proportion to its frontage would be unjust and disproportionate to the assessments upon other lots, the council or board of assessors making the assessment may assess such lot for such number of feet frontage as in their opinion will be just.

STREET REGULATIONS.

SEC. 12. The council shall have power to prohibit and prevent obstructions and incumbrances in, and encroachments upon, the public highways, streets, and alleys of the city, and to remove the same; and to punish those who shall obstruct, incumber, encroach, or maintain any encroachments, upon or in any such highway, street, or alley; and to require all such persons to remove every such obstruction, incumbrance and encroachment.

Obstructions of and encroachments upon streets

SEC. 13. The council may provide for and regulate the planting of shade and ornamental trees in the public highways, streets, and avenues of the city, and for the protection thereof; and may light the streets and public places, and regulate the setting of lamps and lamp-posts therein, and protect the same.

Planting of shade trees and lighting of streets.

SEC. 14. The council may regulate the making of all openings in, and removals of, the soil of public streets, for the laying or repair of sewers, drains, tunnels, gas-pipes, water-pipes, or for any other purpose; and may prohibit and prevent all such openings and removals of the soil, except by express permission of the council, and at such times and upon such terms and regulations as they may prescribe.

Digging in streets for laying of gas-pipes, etc.

SEC. 15. The council may regulate the use of the public highways, streets, avenues, and alleys of the city, subject to the right of travel and passage therein. They shall have authority to prescribe the stands for all vehicles kept for hire, or used for the transportation of persons or property for hire; to

Regulations as to use of streets.

Stands for vehicles.

Wood and hay market, etc. designate the places where loads of wood, coal, hay, and other articles may stand for sale; to regulate traffic and sales in the streets and upon sidewalks; to regulate or prohibit the display, use, or placing of signs, advertisements, and banners, awning-posts and telegraph poles, in or over the streets; to prohibit

Signs, etc. immoderate riding and driving in the streets or over bridges, to regulate or prohibit all such sports, amusements, proceedings, and gathering of crowds in the streets as may interfere with the lawful use thereof, or render travel or passage therein inconvenient or unsafe; to prohibit and prevent the running at large of horses, cattle, swine, dogs, geese, and other domestic animals or fowls in the streets, or elsewhere in the city, and to impose penalties upon the owners or keepers thereof permitting the same, and to require and authorize the destruction of dogs found at large contrary to the ordinances of the city;

Immoderate driving. Gathering of crowds. Running at large of animals and fowls. Cleaning of streets and removing nuisances. General police authority over the streets.

to cleanse and purify the streets; and to prohibit, prevent, remove, and abate all nuisances therein, and to require the authors and maintainers thereof to remove the same and to punish them; and generally to prescribe and enforce all such police regulations over and in respect to the public streets, as may be necessary to secure good order and safety to persons and property in the lawful use thereof; and to promote the general welfare; and in addition to all other powers herein granted, the council shall have the same authority and powers over and in respect to the public streets of the city as are conferred by law upon highway commissioners in townships.

## CHAPTER XXIII.

### SIDEWALKS.

Construction etc., and expense thereof. SECTION 1. The city council shall have control of all sidewalks in the public streets and alleys of the city, and may prescribe the grade thereof, and change the same when deemed necessary. They shall have power to construct and maintain sidewalks and crosswalks in the public streets and alleys, and

charge the expense thereof upon the lots and premises adjacent to and abutting upon such walks.

SEC. 2. The council shall also have authority to require the Idem. owners and occupants of lots and premises to construct and maintain sidewalks in the public streets adjacent to and abutting upon such lots and premises, and to keep them in repair at all times, and to construct and lay the same upon such lines and grades, and of such width, materials, and manner of construction, and within such time as the council shall, by ordinance or resolution, prescribe.

SEC. 3. The council shall also have power to cause and Removal of snow, ice, etc. require the owners and occupants of any lot or premises to remove all snow and ice from the sidewalks in front of or adjacent to such lot and premises, and to keep the same free from obstructions, encroachments, incumbrances, filth, and other nuisances.

SEC. 4. If the owner or occupant of any lot or premises Proceedings in cases of neglect. shall fail to construct or maintain any particular sidewalk as mentioned and prescribed in the last two sections, or shall fail to keep the same in repair, or to remove the snow, ice, and filth therefrom, or to remove and keep the same free from obstructions, encroachments, incumbrances, or other nuisances, or shall fail to perform any other duty required by the council in respect to such sidewalks, within such time and such manner as the council shall require, the council may cause the same to be done, and such sidewalk to be constructed or repaired at the expense of such owner or occupant, and the Expense a tax on property. amount of all expenses incurred by the council thereby, shall be levied as a special assessment upon the lot or premises adjacent to and abutting upon such sidewalk.

SEC. 5. The council shall have power to regulate and pro- Regulations as to placing of signs, awnings, etc. hibit the placing of signs, awnings, awning posts, and of other things upon or over sidewalks, and to regulate or prohibit the construction and use of openings in the sidewalks, and of all vaults, structures, and excavations under the same; and to

prohibit and prevent obstructions, incumbrances, or other nuisances upon the walk.

Lot owners,  
etc., liable  
for injuries  
resulting  
from their  
neglect.

SEC. 6. If any owner, occupant, or person in charge of any lot or premises shall neglect to repair any sidewalk in front of or adjacent to such premises, or to remove any snow or ice therefrom, or to keep the same free from obstructions and incumbrances, in accordance with the requirements of the ordinances and regulations of the council, he shall be liable to the city for the amount of all damages which shall be recovered against the city for any accident or injury occurring by reason of such neglect.

## CHAPTER XXIV.

### COST OF IMPROVEMENTS.—SPECIAL ASSESSMENTS.

Certain im-  
provements  
to be paid  
for from the  
general fund

SECTION 1. The cost and expense of the following improvements, including the necessary lands therefor, viz.: For city hall and other public buildings and offices for the use of the city officers, engine houses and structures for the fire department, for water-works, market-houses and spaces, cemeteries and parks, watch-houses, city prisons and work-houses, lands appropriated for streets and rights of way, and public wharves and landings upon navigable waters, levees and embankments, shall be paid from the proper general funds of the city. When by the provisions of this act the cost and expenses of any local or public improvement may be defrayed in whole or in part by special assessment upon lands abutting upon and adjacent to or otherwise benefited by the improvement, such assessment may be made as in this chapter provided.

Making of  
special  
assessments.

Board of  
assessors;  
their com-  
pensation  
and duties.

SEC. 2. There shall be a board of assessors in every city, consisting of the city surveyor and two other members, who shall be freeholders and electors in the city, to be appointed by the council. Their compensation shall [be] prescribed by the council. Special assessments authorized by this act shall be made by such board. If a member of the board shall be interested in any special assessment directed by the council, they shall appoint

some other person to act in his stead in making the assessment, who, for the purposes of that assessment, shall be a member of the board.

SEC. 3. When the council shall determine to make any public improvement or repairs, and defray the whole or any part of the cost and expenses thereof by special assessment, they shall so declare by resolution stating the improvement, and what part or proportion of the expenses thereof shall be paid by special assessment, and what part, if any, has been appropriated from the general funds of the city, or from street district funds, and shall designate the district or lands and premises upon which the special assessment shall be levied.

Apportionment of expense of contemplated improvements.

SEC. 4. Before ordering any public improvements or repairs, any part of the expenses of which is to be defrayed by special assessment, the council shall cause estimates of the expense thereof to be made, and also plats and diagrams, when practicable, of the work and of the locality to be improved, and deposit the same with the city clerk for public examination; and they shall give notice thereof and of the proposed improvement or work, and of the district to be assessed, by publication for two weeks at least in one of the newspapers of the city, and of the time when the council will meet and consider any objections thereto. Unless a majority of the persons to be assessed shall petition therefor, no such improvement or work shall be ordered, except by the concurrence of two-thirds of the aldermen elect.

Estimates, plats, etc., deposited with clerk.

Notice of meeting to consider objections.

Ordering of the work.

SEC. 5. The cost and expenses of any improvement which may be defrayed by special assessment shall include the costs of surveys, plans, assessments, and costs of construction. In no case shall the whole amount to be levied by special assessment upon any lot or premises for any one improvement exceed twenty-five per cent of the value of such lot or land, as valued and assessed for State and county taxation in the last preceding ward tax-roll; any cost exceeding that per cent which would otherwise be chargeable on such lot or premises, shall be paid from the general funds of the city.

What costs and expenses shall include, and per cent of special assessments.

Special  
assessment  
levied before  
making im-  
provement.

SEC. 6. Special assessments, to defray the estimated cost of any improvement, shall be levied before the making of the improvement.

Directions to  
board of  
assessors  
as to special  
assessments.

SEC. 7. When any special assessment is to be made *pro rata* upon the lots and premises in any special district, according to frontage or benefits, the council shall, by resolution, direct the same to be made by the board of assessors; and shall state therein the amount to be assessed, and whether according to frontage or benefits; and describe or designate the lots and premises, or locality constituting the district to be assessed.

Assessment  
roll.

SEC. 8. Upon receiving such order and directions, the board of assessors shall make out an assessment roll, entering and describing therein all the lots, premises, and parcels of land to be assessed, and the valuation thereof, with the names of the persons, if known, chargeable with the assessments thereon; and shall levy thereon and against such persons [the amount] to be assessed, in the manner directed by the council and the provisions of this act, applicable to the assessment; and when such assessment is completed, they shall report the same to the council.

Board to  
report com-  
pletion to  
council.

Assessments  
according to  
frontage.

SEC. 9. If the assessment is required to be according to frontage, they shall assess to each lot or parcel of land such relative portion of the whole amount to be levied as the length of front of such premises abutting upon the improvement bears to the whole frontage of all the lots to be assessed; unless on account of the shape or size of any lot, an assessment for a different number of feet would be more equitable. If the assessment is directed to be according to benefits, they shall assess upon each lot such relative portion of the whole sum to be levied as shall be proportionate to the estimated benefit resulting to such lot from the improvement.

According  
to benefits.

Special  
assessments  
other than  
those to be  
made *pro*  
*rata*.

SEC. 10. When any expense shall be incurred by the city upon or in respect to any separate or single lot, parcel of land, or premises which by the provisions of this act the council is authorized to charge and collect as a special assessment against



the same, and not being of that class of special assessments required to be made *pro rata* upon several lots or parcels of land in an assessment district, on [an] account of the labor or services for which such expense was incurred, verified by the officer or person performing the labor or services, with a description of the lot or premises upon or in respect to which the expense was incurred, and the name of the owner or person chargeable therewith shall be reported to the council in such manner as the council shall prescribe.

SEC. 11. The council shall determine what amount or part of every such expense shall be charged, and the person, if known, against whom, and the premises upon which the same shall be levied as a special assessment; and as often as the council shall deem it expedient they shall require all of the several amounts so reported and determined, and the several lots or premises, and the persons chargeable therewith respectively, to be reported by the city clerk to the board of assessors for assessment.

Determina-  
tion of pro-  
portion of  
expense  
chargeable  
against indi-  
vidual lots.

Reported by  
clerk to as-  
sessors.

SEC. 12. Upon receiving the report mentioned in the preceding section, the board of assessors shall make a special assessment roll, and levy as a special assessment therein upon each lot or parcel of land so reported to them, and against the person chargeable therewith, if known, the whole amount or amounts of all the charges so directed as aforesaid to be levied upon each of such lots or premises respectively, and when completed they shall report the assessment to the council.

Special as-  
sessment  
roll in ac-  
cordance there-  
with.

Reported to  
council.

SEC. 13. When any special assessment shall be reported by the board of assessors to the council, as in this chapter directed, the same shall be filed in the office of the city clerk, and numbered. Before adopting the assessment, the council shall cause notice to be published for two weeks at least, in some newspaper of the city, of the filing of the same with the city clerk, and appointing a time when the council and board of assessors will meet to review the assessment. Any person

Filed with  
city clerk.

Notice of  
meeting to  
review as-  
sessment.

Objections  
filed with  
clerk.

objecting to the assessment may file his objections thereto in writing with the city clerk.

Review,  
correction,  
and dispo-  
sition of roll.

SEC. 14. At the time appointed for that purpose as aforesaid, the council and board of assessors shall meet, and there, or at some adjourned meeting, review the assessment; and the council shall correct the same if necessary and confirm it as reported, or as corrected; or they may refer the assessment back to the board for revision; or annul it and direct a new assessment, in which case the same proceedings shall be had as in respect to the previous assessment. When a special

Certificate of  
date of con-  
firmation.

assessment shall be confirmed, the city clerk shall indorse a certificate thereof upon the roll showing the date of confirmation.

Confirma-  
tion final.

SEC. 15. When any special assessment shall be confirmed by the council, it shall be final and conclusive; but no such

Vote thereon

assessment shall be confirmed, except by the concurrence of two-thirds of the aldermen elect.

Assessments  
a lien on  
land and  
charge  
against per-  
sons.

SEC. 16. All special assessments shall, from the date of the confirmation thereof, constitute a lien upon the respective lots or parcels of land assessed, and shall be a charge against the persons to whom assessed until paid.

Division  
into install-  
ments.

SEC. 17. Upon the confirmation of any special assessment, the amount thereof may be divided into not more than five installments, one of which shall be collected each year at such time as the council shall determine, with annual interest at a rate not exceeding eight per cent.

First install-  
ment due  
upon confir-  
mation.

SEC. 18. All special assessments, except such installments thereof as the council shall make payable at a future time as provided in the preceding section, shall be due and payable upon confirmation.

Special as-  
sessment  
roll for each  
installment.

SEC. 19. If any special assessment shall be divided into installments, a special assessment roll shall be made for each installment as the same shall become due, with the accrued interest upon all unpaid installments included and assessed

therein. Such special rolls may be made and confirmed without notice to the persons assessed.

SEC. 20. Should any lots or land be divided after a special assessment thereon has been confirmed and divided into installments, and before the collection of all the installments, the council may require the board of assessors to apportion the uncollected amounts upon the several parts of lots and lands so divided. The report of such apportionment when confirmed, shall be conclusive upon all the parties, and all assessment thereafter made upon such lots or lands shall be according to such division.

Assessors to apportion and collect installments in case of division of lots.

SEC. 21. Should any special assessment prove insufficient to pay for the improvement or work for which it was levied, and the expenses incident thereto, the council may, within the limitations prescribed for such assessments, make an additional *pro rata* assessment to supply the deficiency; and in case a larger amount shall have been collected than was necessary, the excess shall be refunded ratably to those by whom it was paid.

Additional assessments in case of a deficiency.

Surplus refunded.

SEC. 22. Whenever any special assessment shall, in the opinion of the council, be invalid by reason of irregularity or informality in the proceedings, or if any court of competent jurisdiction shall adjudge such assessment to be illegal, the council shall, whether the improvement has been made or not, or whether any part of the assessments have been paid or not, have power to cause a new assessment to be made for the same purpose for which the former assessment was made. All the proceedings on such re-assessment and for the collection thereof shall be conducted in the same manner as provided for the original assessment, and whenever any sum or any part thereof levied upon any premises in the assessment so set aside has been paid and not refunded, the payment so made shall be applied upon the re-assessment on said premises, and the re-assessment shall to that extent be deemed satisfied.

New assessment roll to be made in case of irregularity in proceedings.

Lien for equitable charges not set impaired by decree vacating assessment.

SEC. 23. No judgment or decree, nor any act of the council vacating a special assessment, shall destroy or impair the lien of the city upon the premises assessed, for such amount of the assessment as may be equitably charged against the same, or, as by a regular mode of proceeding might have been lawfully assessed thereon.

Payable assessments may be reported to ward supervisors.

SEC. 24. Whenever any special assessment shall be confirmed and be payable, the council may direct the city clerk to report to the supervisor of each ward in which any of the lots and premises assessed in the special assessment roll are located, a description of such lots and premises as contained in said roll, with the amount of the assessment levied upon each, and the name of the owner or occupant against whom the assessment was made, and requiring said supervisor to levy the several sums so assessed, as a tax upon the several lots and premises to which they were assessed respectively. Upon receiving said

Levy of sum assessed by supervisor.

report, the supervisor shall levy the sums therein mentioned upon the respective lots and premises to which they are specially assessed, and against the persons chargeable therewith, as a tax, in the ward tax-roll [next] thereafter to be made, in a column for special assessments, and thereupon the amounts so levied in said ward tax-roll shall be collected and enforced with the other taxes in the ward tax-roll, and in the same manner; and shall continue to be a lien upon the premises assessed, until paid, and when collected shall be paid into the city treasury.

Council may order a direct collection of such assessment by city collector.

SEC. 25. When any special assessment shall be confirmed, and be payable as hereinbefore provided, the council, instead of requiring the assessments to be reported to the supervisor of the ward, as provided in the preceding section, may direct the assessment so made in the special assessment roll to be collected directly therefrom; and thereupon, the city clerk shall attach his warrant to a certified copy of said special assessment roll, therein commanding the city collector to collect from each of the persons assessed in said roll the amount

of money assessed to and set opposite his name therein; and in case any person named in said roll shall neglect or refuse to pay his assessment upon demand, then to levy and collect the same by distress and sale of the goods and chattels of such person; and that he pay the money so collected into the city treasury; and return said roll and warrant, together with his doings thereon, in sixty days of the date of such warrant.

SEC. 26. Upon receiving said assessment roll and warrant, the city collector shall proceed to collect the amounts assessed therein. If any person shall neglect or refuse to pay his assessment upon demand, the collector shall seize and levy upon any personal property found within the city, or elsewhere within the county, belonging to such person, and sell the same at public auction, first giving six days notice of the time and place of such sale, by posting such notices in three of the most public places in the city or township where such property may be found. The proceeds of such sale, or so much thereof as may be necessary for that purpose, shall be applied to the payment of the assessment, and a percentage of five per centum upon the amount of the assessment for the costs and expenses of said seizure and sale, and the surplus if any, shall be paid to the person entitled thereto.

Seizure and sale of goods

Disposition of proceeds.

Costs of sale.

SEC. 27. The city collector shall pay the moneys, and all the percentage collected by him, into the city treasury, and take the treasurer's receipt therefor and file the same with the city clerk. He shall also make return of said assessment roll and warrant to the city clerk according to the requirement of the warrant, and if any of the assessments in said roll shall be returned unpaid, the collector shall attach to his return a statement, verified by affidavit, containing a list of the persons delinquent, and a description of the lots and premises upon which the assessments remain unpaid, and the amount unpaid on each.

Disposition of money by collector and return of roll and warrant.

SEC. 28. Said warrant may be renewed from time to time by the city clerk, if the council shall so direct, and for such time as they shall determine, and during the time of such renewal the warrant shall have the same force, and the city collector

Renewal of warrant.

shall perform the same duties and make the like returns, as above provided. In case any assessment shall be finally returned by the city collector unpaid, as aforesaid, the same may be certified to the supervisor of the proper ward in the manner provided in section twenty-four of this chapter, and shall then be re-assessed with interest included at the rate of ten per cent from the date of the confirmation of the assessment until the first day of February then next, in the next ward tax-roll, and be collected and paid in all respects as provided in section twenty-four aforesaid.

Assessments finally returned unpaid re-assessed with interest.

SEC. 29. At any time after a special assessment has become payable, the same may be collected by suit, in the name of the city, against the person assessed, in an action of assumpsit, in any court having jurisdiction of the amount. In every such action a declaration upon the common count for money paid, shall be sufficient. The special assessment roll and a certified order or resolution confirming the same shall be *prima facie* evidence of the regularity of all the proceedings in making the assessment, and of the right of the city to recover judgment therefor.

Special assessments may be collected by suit.

SEC. 30. If in any such action it shall appear that by reason of any irregularities or informality, the assessment has not been properly made against the defendant, or upon the lot or premises sought to be charged, the court may, nevertheless, on satisfactory proof that expense has been incurred by the city, which is a proper charge against the defendant, or the lot or premises in question, render judgment for the amount properly chargeable against such defendant, or upon such lot or premises.

Judgment may be rendered notwithstanding irregularity.

## CHAPTER XXV.

### APPROPRIATION OF PRIVATE PROPERTY.

SECTION 1. Private property may be appropriated for public use, in cities, for the purpose of opening, widening, altering, and extending streets, alleys, and avenues; for the construction of bridges; for buildings and structures for the fire

Purposes for which private property may be appropriated for public use.

department; for public grounds, parks, market places and spaces; for public wharves, docks, slips, basins, and landings, on navigable waters; and for the improvement of water courses; for sewers, drains, and ditches; for water-works, and for necessary public buildings, hospitals, pest-houses, and public cemeteries. But such property shall not be taken therefor without the consent of the owner, unless the necessity for using the same and the just compensation to be made therefor shall be determined by a jury of twelve freeholders, residing in the city; nor shall any improvement, requiring the taking of private property, be made, except with the concurrence of two-thirds of all the aldermen elected to office. The council may, however, acquire such property by negotiation and purchase.

Manner of acquiring.

Council may acquire by purchase.

SEC. 2. When the council shall deem it necessary to make any public improvement, requiring the taking or using of private property, not acquired by purchase, they shall so declare by resolution describing the proposed improvement and each parcel of land designed to be taken, by metes and bounds, giving the names of the owners or persons interested therein, so far as known; and shall, in the same resolution, designate a justice of the peace of the city to whom an application will be made, at a time therein to be stated, for the impaneling of a jury, to ascertain the necessity of using said land, and the just compensation to be made therefor.

Proceedings when seizure is necessary.

Selection of justice for impaneling jury.

SEC. 3. Upon the passage of the resolution mentioned in the preceding section, a certified copy thereof shall be filed with said justice of the peace, and notice of the time and place of making said application, including a copy of said resolution, shall be given by publishing the same for three weeks in one of the newspapers of the city, the first publication of which shall be at least thirty days before the time fixed for the application. And a copy of said notice and resolution shall be served personally by the city marshal or the sheriff of the county, at least two weeks before the time for said application, upon each

Notice of application for jury.

Service of.

owner and person interested in said lands, so far as known, and upon the guardian of any minor or incompetent person interested therein, if it [to] be found within the city or elsewhere in the county; and if any such guardian, owner, or person interested in the premises shall not be found within the city or county, a copy of said notice and resolution shall be posted upon the premises to be taken, the same length of time before making the application. A return by the sheriff or city marshal of the service or posting of copies of said notice and resolution (which return shall be conclusive as to the matters therein stated), and an affidavit of the publication of said notice and resolution shall be filed with the said justice before or at the time of making said application. And after the publication and service of posting of said notice as aforesaid, the owners and all persons interested in any of the lands sought to be taken for said improvement, shall take notice of and be bound by all the subsequent proceedings without further notice, except as herein otherwise provided.

Return by  
officer, when  
and where  
filed.

Effect of  
notice.

Impanelling  
of jury.

SEC. 4. At the time appointed therefor in said notice and resolution, or at such other time as the proceedings shall be adjourned to by said justice, he shall, upon the application of the city attorney, cause the city marshal or sheriff of the county to make a list of the names of twenty-four disinterested freeholders residing in said city, competent to serve as jurors. From said list the city attorney shall strike off six names, and the owner or owners and persons interested in said lands shall strike off six names, or, upon their failing to do so, the justice shall strike off such names for him or them; and thereupon the said justice shall issue a *venire*, directed to the city marshal or sheriff of the county, to summon the twelve persons whose names remain upon said list, to appear before said justice at a time and place in said *venire* to be named, not less than three nor more than six days from the date thereof, to make a jury to inquire of and determine the matters referred to in said resolution; and shall then adjourn the



further proceedings in the matter to the return day of said *venire*. Said *venire* shall be served by the city marshal or sheriff, as in other cases of *venire*. Said jurors shall be liable for non-attendance the same as jurors summoned to appear in justices' courts, and may be excused for the same causes as jurors in those courts.

Liability of such jurors.

SEC. 5. At the time of making the application to the justice for the impaneling of the jury, and at all subsequent proceedings, any infant or incompetent person may be represented by his or her guardian appointed under the laws of this State; but if there should be no such guardian, or if no such guardian shall appear to represent such infant or incompetent person, the justice, before proceeding with the matter, shall appoint some disinterested person as guardian *ad litem*, to protect the interest of the person for whom he is so appointed.

Interests of infants or incompetent persons, how protected.

SEC. 6. If upon the return day of said *venire* a sufficient number of competent jurors shall not attend in answer to the summons, or if any shall be excused or set aside, the justice shall require the marshal or sheriff to summon immediately a sufficient number of other competent freeholders of the city, until a panel of twelve qualified jurors shall be obtained. Each party, and every person having an interest in any of the lands, shall have the right to challenge any juror for cause, and the justice shall determine as to the competency of the juror. Such jury shall be sworn to ascertain and determine the necessity of taking the parcel or several parcels of land sought to be taken for the purpose set forth in said resolution, and if taken, to determine and award, to each person entitled thereto, the just compensation to be allowed for his or her interest in the land so taken.

Completing panel of jury

Right of challenge.

Oath of jurors.

SEC. 7. When the jury shall have been sworn, the city attorney shall deliver to them a copy of the said notice and resolution of the council, and a map or plat of the proposed improvement, showing the location and boundaries of each parcel of land sought to be taken, and its position in relation to adjoin-

Copy of notice, etc., and a plat to be given jury.

Persons overlooked may file statement of interest.

ing lands. And any person claiming an interest in any of the lands sought to be taken, although not named in said resolution as an owner or party interested, may then file with the justice a statement of his interest in, and a description of the property in respect to which he claims compensation, and a copy of the same shall be delivered to the jury.

Jury to examine premises, etc.

SEC. 8. The jury shall then, or at such other time as the justice shall direct, proceed to examine the premises sought to be acquired, and testimony may be produced before them under the direction of the court as in cases of ordinary jury trials before justices of the peace, so far as applicable. Upon closing the testimony the justice shall instruct the jury as to the provisions of this chapter relating to their duties.

To be instructed by justice.

Determination and award by.

SEC. 9. The jury shall consider upon each parcel of land described in the resolution of the council separately. If they shall find it necessary to take the same for the purpose of said improvement, they shall determine and award the compensation to be made therefor. If only a part of any lot or parcel of land shall be taken, they shall estimate the whole damages occasioned thereby; and also any special and particular benefit resulting to the remainder of the premises from the proposed improvement; and shall award as damages and compensation such sum only as shall remain after deducting said estimated benefit. If several persons shall have separate claims upon the same lot or parcel of land, as owners, mortgagees, lessees or otherwise, they shall apportion to each such share of the damages awarded as shall be just. Damages for taking the lands of any deceased person may be awarded to his estate.

Report of.

SEC. 10. The jury shall make a report of their determinations and awards in writing. They shall describe therein, by metes and bounds, each piece or parcel of land which they shall find it necessary to take for the purpose of said improvement, and state the whole amount of damages occasioned by taking the same, the amount deducted therefrom, if any, for special benefits resulting from the improvement to the remainder of the

lot or premises from which the part appropriated is taken and the net amount awarded as damages and compensation therefor; the name of the owner, and of any persons having separate claims thereon, by mortgage, lease, or otherwise, to whom said damages are awarded and the amount awarded to each, and the date and description of any mortgage, lease, or lien, by virtue of which such claim is made. When conflicting claims are made to any damages awarded, the jury, without deciding between the claimants, shall report the fact, their names, and the amount awarded for the land. They shall report the lands, if any, as to which they fail to agree. Said report, signed by each juror, shall be returned to the justice within ten days after the impaneling of the jury.

SEC. 11. The city attorney shall give such assistance to the jury, in making up their report, as they may require. The justice shall enter said report, and all the proceedings had in the cause before him, in his docket.

SEC. 12. A disagreement of the jury, as to one or more distinct parcels of land, shall not affect the awards and reports in which they have agreed; and, upon any such disagreement, the justice may, upon the motion of the city attorney, impanel a new jury in the same manner as provided for drawing the original jury; and like proceedings shall thereupon be had as to the lands concerning which there was a failure to agree; and a new jury may, in like manner, be had as often as necessary. If any juror, during the course of the proceedings, shall be unable to discharge his duties, the justice may appoint another in his place, who shall have the like qualifications, and be sworn, and exercise the same duties as the other jurors of the panel.

SEC. 13. Upon filing the report and award made by any jury, with said justice, a copy thereof may be taken by the city attorney, for the use of the council; and, at any time thereafter, and within forty days after the impaneling of the jury making the report, the justice, upon the application of

City attorney to assist  
Entry of report in docket.

Relative to disagreement of jury

Appointment in place of jurors unable to discharge duties.

Copy of report, etc., for use of council.  
Judgment of confirmation.

When not  
made within  
forty days.

the city council, shall enter judgment of confirmation of the determination and awards therein made. Unless such application and confirmation shall be made within said forty days, all proceedings upon that report and award shall be at an end, and a new jury and new proceedings may be had, as in the case of a disagreement of the jury. All parties interested in such report shall take notice of the confirmation thereof. Any such judgment of confirmation shall be final and conclusive as to all parties not appealing therefrom, within the time prescribed in the next section.

Appeal to  
circuit court

SEC. 14. Any party aggrieved by the judgment of confirmation mentioned in the preceding section may, within ten days after the entry thereof, appeal therefrom to the circuit court of the county, by filing with the justice a claim of appeal, in writing, in which he shall set forth a description of the land in which he claims an interest, his interest therein, and all the errors relating to the proceedings and judgment of which he complains, and his objections, if any, to the amount of damages awarded, and at the same time filing with the justice a bond to the city, in a penal sum of not less than three hundred dollars, with sureties to be approved by said justice, conditioned that he will prosecute his appeal to effect, and pay any costs that may be awarded against him in the circuit court, and paying to the justice the sum of three dollars for making his return to the appeal. .

Bill of ex-  
ceptions.

SEC. 15. At the time of filing said claim of appeal the appellant shall present to the justice a statement, in the nature of a bill of exceptions, containing so much of the evidence and other proceedings in the matter as shall be sufficient to present the question to be raised upon the errors and objections alleged in the claim of appeal, and shall at the same time serve a copy thereof and of the claim of appeal upon the city attorney, who may propose amendments to said bill. Within ten days after said bill is presented said justice shall, if necessary, cause the same to be corrected, according to the facts of

Correction  
of, by jus-  
tice.

the case, and sign the same; and within ten days thereafter said justice shall make and certify a return to said appeal, setting forth a transcript from his docket of all the proceedings and the judgment of confirmation entered therein, and shall attach thereto the report of the jury, and all notices and papers filed with him, together with the bond and claim of appeal and said bill of exceptions, and file the same with the clerk of said circuit court.

Filing of transcript of docket, etc., with clerk of court.

SEC. 16. Upon filing the return of the justice as mentioned in the preceding section, the circuit court shall have jurisdiction of the case; and upon the hearing thereof shall first consider the errors alleged in said claim of appeal, and if the proceedings are found invalid as to the party appealing, on account thereof, the court shall remand the case so far as affects the appellant, to said justice, and a new jury may be called and the like proceedings had as upon the original application for a jury. If no error affecting the merits shall be found in the proceedings, the parties may proceed to trial by jury at the same term, upon the question as to the amount of damages to be awarded; but the finding of the jury before the justice as to the necessity of taking the land, shall be held to be conclusive. The appeal of one or more persons interested in any judgment of confirmation shall not in any way affect said judgment as to other persons interested therein who do not appeal.

When court may remand case to justice.

When parties may proceed to trial.

Appeal of one person not to affect others.

SEC. 17. Upon any dismissal of the appeal, or rendition of judgment after trial in the circuit court, said court shall confirm the proceedings and right of the city to take and appropriate the lands of the appellant for the purpose mentioned in the resolution of the council. And unless the appellant shall recover judgment for at least ten dollars more than the amount awarded to him before the justice, he shall pay costs to the city; otherwise the court shall award such costs to him as shall be just.

Judgment.

Costs.

SEC. 18. Certified copies of any judgment of confirmation

Record and  
copies of  
judgment  
evidence of  
regularity of  
proceedings,  
etc.

of the circuit court, or of the justice of the peace, after the same has become final and of the report of the jury thereby confirmed, and records of such copies made in the book of street records in the office of the city clerk, shall be presumptive evidence of the matters therein contained, and of the regularity of all the proceedings to appropriate the property sought to be acquired, and to confirm the same.

Damages,  
payment of.

SEC. 19. Within six months after the judgment of confirmation by the circuit court, or after the judgment of confirmation by the justice shall become final, the council may pay or tender to the respective persons the several amounts of damage and compensation awarded to them, as finally confirmed.

Where de-  
posited  
when person  
is unknown.  
or incapacitated.

And in case any such person shall refuse the same, be unknown, or a non-resident of the city, or be not found therein, or shall be incapacitated from receiving his or her amounts, or the right to any sum awarded be disputed or doubtful, the council may deposit the amount awarded in such case with a statement of the facts relating thereto, in the treasury of the city, to the credit of the person or persons entitled thereto, and the same shall be paid on demand to any person entitled to receive it. No delay in making any award of damages, or in taking possession of any property, shall be occasioned by any doubt as to the ownership of the property, or as to the interest of the respective parties making claims thereto.

When right  
to property  
shall vest in  
city.

SEC. 20. Upon the payment, tender, or deposit mentioned in the preceding section, the fee of the land sought to be taken, with the appurtenances, and the right to occupy the property sought to be used, shall vest in the city, and the council may

Evidence of  
ownership,  
etc.

convert and use the same. A certificate of the city treasurer, of such payment, tender or deposit, or a record of such certificate in the book of street records, or a certified copy thereof, shall be presumptive evidence of the matters therein stated, and of the ownership of the city in the lands and property taken.

SEC. 21. In all cases where any real estate, subject to a lease or agreement, shall be taken for public use, all the covenants and stipulations therein shall end upon the judgment of confirmation in the circuit court, or upon the confirmation by the justice, when the same shall become final. If a part only of such real estate shall be taken, the said covenants and agreements shall be discharged only as to such part.

## CHAPTER XXVI.

### FINANCE AND TAXATION.

SECTION 1. The fiscal year of cities organized under this act shall commence on the third Monday in March in each year, unless otherwise provided by ordinance.

SEC. 2. The council of any such city shall have authority, within the limitations herein prescribed, to raise annually, by taxation within the corporation, such sum of money as may be necessary to defray the expenses and pay the liabilities of the city, and to carry into effect the powers in this act granted.

SEC. 3. The revenues raised by general tax upon all the property in the city, or by loan to be repaid by such tax, shall be divided into the following general funds:

*First*, Contingent fund,—to defray the contingent and other expenses of the city for the payment of which from some other fund, no provision is made;

*Second*, Fire department fund,—to defray the expense of purchasing grounds, erecting engine-houses thereon, purchasing engines and other fire apparatus, and all other expenses necessary to maintain the fire department of the city;

*Third*, General street fund,—to defray the expenses of opening, widening, extending, altering, and vacating streets, alleys, and public grounds, and for grading, paving, curbing, graveling and otherwise improving, repairing, and cleaning the streets, alleys, and public grounds of the city, and for the con-

struction and repair of sidewalks and cross-walks, and for the care thereof;

General  
sewer fund.

*Fourth*, General sewer fund,—to defray the expenses of sewers, drains, ditches, and drainage, and the improvement of water courses;

Bridge fund.

*Fifth*, Bridge fund,—for the construction and maintenance of bridges;

Water fund.

*Sixth*, Water fund,—for constructing reservoirs and cisterns, and providing other supplies of water;

Public build-  
ing fund.

*Seventh*, Public building fund,—for providing for public buildings, and for the purchase of land therefor, and for the erection, preservation, and repair of any such public buildings, city hall, offices, prisons, watch-houses, and hospitals as the council is authorized to erect and maintain, and not herein otherwise provided for;

Police fund.

*Eighth*, Police fund,—for the maintenance of the police of the city, and to defray the expenses of the arrest and punishment of those violating the ordinances of the city:

Cemetery  
fund.

*Ninth*, Cemetery fund;

Interest and  
sinking fund

*Tenth*, Interest and sinking fund,—for the payment of the public debt of the city and the interest thereon;

Other  
general  
funds.

*Eleventh*, Such other general funds as the council may from time to time constitute.

Division of  
revenues  
raised in  
special  
districts.

SEC. 4. Revenues and moneys raised by taxation in special districts of the city shall be divided into the following special funds:

Street dis-  
trict fund.

*First*, A street district fund, for each street district,—for defraying the expenses of grading, improving, repairing, and working upon the streets therein, and for the payment of all street expenses which the council shall charge upon the street district;

District  
sewer fund.

*Second*, A district sewer fund, for each main sewer district,—for the payment of the costs and expenses of sewers and drainage in, and chargeable to the main sewer district, when the city shall be divided into such districts:



*Third, Special assessment funds:* any money raised by special assessment levied in any special assessment districts or special sewer district to defray the expenses of any work, paving, improvement, or repairs, or drainage therein, shall constitute a special fund for the purpose for which it was raised.

SEC. 5. The aggregate amount which the council may raise by general tax upon the taxable real and personal property in the city, for the purpose of defraying the general expenses and liabilities of the corporation, and for all purposes for which the several general funds mentioned in section three of this chapter are constituted (exclusive of taxes for schools and school-house purposes), shall not, except as herein otherwise provided, exceed in any one year, in cities having a population not exceeding six thousand inhabitants, one and one-fourth per cent; in cities having more than six thousand and not exceeding nine thousand inhabitants, one and one-half per cent; in cities having a population of more than nine thousand and not exceeding fourteen thousand inhabitants, one and three-fourths per cent; and in cities having a population of more than fourteen thousand inhabitants, two per cent on the assessed value of all the real and personal property in the city made taxable by law.

SEC. 6. The council may also raise by tax in each street district, for defraying the expenses of working upon, improving and repairing and cleaning the streets of the district, and for all purposes for which the street district fund above mentioned is constituted, a sum not exceeding in any one year one-fourth of one per cent on the assessed value of the taxable real and personal property in the district.

SEC. 7. In addition to the above amounts, the council may raise by special assessment in sewer districts and special assessment districts, for the purpose of grading and paving, curbing, graveling and otherwise improving the streets, and for constructing sewers and drains, and making other local improvements chargeable upon the lands and property in the district,

according to frontage or benefits, and for all other purposes for which the main sewer funds and special assessment funds are constituted, such sums as they shall deem necessary, but not exceeding in any one year five per cent on the assessed value of the property in the sewer district, or special assessment district, as the case may be, as shown by the last preceding assessment rolls of the city.

Tax for use  
of public  
sewer.

SEC. 8. A tax or assessment of not more than two dollars per year may be levied upon each lot or premises drained by a private sewer or drain leading into any public drain or sewer.

Tax to pro-  
vide for  
interest and  
sinking fund

SEC. 9. The council may also raise such further sum annually, not exceeding three mills on the dollar, of the assessed valuation of the property in the city, as may be necessary to provide an interest and sinking fund to pay the funded debts of the city and the interest thereon.

Estimates of  
expendi-  
tures.

SEC. 10. It shall be the duty of the council to cause estimates to be made in the month of September in each year, of all the expenditures which will be required to be made from the several general funds of the city during the next fiscal year, for the payment of interest and debts to fall due, or for lands to be acquired, buildings to be erected or repaired, bridges to be built, and for the paving of streets, the construction of sewers, making improvements, and for the support of the police and fire departments, and for defraying the current expenses of the year, and for every other purpose for which any money will be required to be paid from any of the several general funds during such fiscal year; and also, to estimate the amounts that will be required to be expended from street district funds during said next fiscal year, in working upon, improving, and repairing the streets in the several street districts of the city.

Determina-  
tion of  
amount to  
meet defi-  
ciencies, etc.

SEC. 11. The council shall also in the same month determine upon the amount required to be raised in the next general tax levy to meet any deficiencies for the current year; also

the amount or part of any special assessments which they require to be levied or re-assessed in the next general tax-rolls of the city upon lands in any main sewer, or special assessment district, or upon any parcel of land, or against any particular person as a special assessment.

SEC. 12. The council shall also in the said month of Sep-<sup>Annual ap-  
propriation  
bill.</sup>tember pass an ordinance, to be termed the annual appropriation bill, in which they shall make provision for, and appropriate the several amounts required to defray the expenditures and liabilities of the corporation for the next fiscal year, payable from the several general funds, and from the street district funds as estimated and determined upon, as provided in section ten of this chapter, and order the same, or so much of such amounts as may be necessary, to be raised by tax with the next general tax levy, or by loan, or both, and to be paid into the several general funds and street district funds of the city; but the whole amount so ordered to be raised by tax or loan, or by both, shall not, except as herein otherwise provided, exceed the amount which the city is authorized by sections five, six, and nine of this chapter, to raise by general tax during the year. The council shall specify in such ordinance the objects and purposes for which such appropriations are made, and the amount appropriated for each object or purpose, and to each of the general funds and street district funds. The council shall also designate in the appropriation bill the sums, if any, required to be levied to meet any deficiency for the current year, and the amount or part of any special assessment, or other sum which they require to be levied or re-assessed with the next general tax as mentioned in section eleven of this chapter, and the disposition to be made of such moneys; and shall also designate in said bill any local improvements which they may deem advisable to make during the next fiscal year, to be paid for in whole or in part by special assessments, and the estimated cost thereof.

SEC. 13. All sums ordered in the annual appropriation bill

When and to whom all sums ordered in bill must be certified.

in any year to be raised for the several general funds, and all amounts reported to the council by the board of education, to be raised for schools, library, and school-house purposes, as provided in chapter twenty-eight, shall be certified to the clerk of the board of supervisors of the county, on or before the first Monday of October. And all sums ordered in said bill to be levied or re-assessed in street or sewer districts, or as special assessments, shall be certified at the same time to the supervisors of the respective wards, as provided in chapter twenty-four; and all such sums shall be levied and collected with the State and county taxes next thereafter to be levied in the city.

No further sums to be used or raised after passage of bill except as herein provided.

SEC. 14. After the passage of the annual appropriation bill, no further sums shall be used, raised, or appropriated; nor shall any further liability be incurred for any purpose, to be paid from any general fund or street district fund, during the fiscal year for which the appropriation was made, unless the proposition to make the appropriation shall be sanctioned by a majority vote of the electors voting upon the proposition at the next annual city election. But this section shall not prohibit the council from making any necessary repairs or expenditure, at a cost not exceeding five thousand dollars, the necessity for which is caused by casualty or accident, happening after making the annual appropriation for the year, and from loaning the money therefor.

All improvements to be made in pursuance of an appropriation except as herein otherwise provided.

SEC. 15. No improvement, work, repairs, or expense, to be paid for out of any general fund, or street district fund, excepting as herein otherwise provided, shall be ordered, commenced, or contracted for, or incurred in any fiscal year, unless in pursuance of an appropriation specially made therefor, in the last preceding annual appropriation bill; nor shall any expenditure be made, or liability be incurred, in any such year, for any such work, improvement, repairs, or for any purpose, exceeding the appropriation so made therefor; nor shall any expenditure be made, or money be paid out of any general, or

**street district fund, for any purpose, unless appropriated for that purpose in said bill.**

SEC. 16. No work or improvement to be paid for by special assessment, costing more than three thousand dollars, shall be ordered, commenced, or contracted for; nor shall any assessment be levied therefor, in any year, unless the intention to make such improvement or expenditure, and to defray the cost thereof by special assessment, was set forth in the last preceding annual appropriation bill.

SEC. 17. No public work, improvement, or expenditure, shall be commenced, nor any contract therefor be let or made, except as herein otherwise provided, until a tax or assessment shall have been levied to pay the cost and expense thereof, and no such work or improvement shall be paid for, or contracted to be paid for, except from the proceeds of the tax or assessment thus levied.

SEC. 18. Instead of levying a tax for the whole amount authorized by this act to be raised in that manner in any year for the purpose of the general and street district funds, the council may, in its discretion, raise a part thereof by tax and a part thereof by loan: *Provided*, That the aggregate amount of taxes and loans so raised and made, shall not exceed the amount for which a tax might be levied for the same year.

SEC. 19. The council shall also have authority to raise mon-  
eys by loan in anticipation of the receipts from special assess-  
ments, for the purpose of defraying the costs of the improve-  
ment for which the assessment was levied. Such loan shall  
not exceed the amount of the assessment for the completion  
of the whole work.

SEC. 20. Should any greater amount be required in any year for the purpose of erecting public buildings, or for the purchase of ground therefor, or for other public improvements or purposes, to be paid for from the general funds of the city, than can be raised by the council under the foregoing provisions of this chapter, such amount may be raised by tax or

this act, and of the change of organization of any village from its former organization to its incorporation or re-incorporation under the provisions of this act, and of all changes at any time made in the corporate limits of any such village; and from the time of such incorporation or change of organization the provisions of the act shall be applicable to such villages, and all laws in conflict therewith shall no longer be applicable.

Rights,  
property,  
etc., vested  
in new corporation.

SEC. 25. All rights and property of every kind which were vested in any village corporation under its former organization, shall, upon its re-incorporation under the provisions of this act, be vested in the new corporation created by or subject to the provisions hereof; and no rights or liabilities, in favor of or against such former corporation, existing at the time of its incorporation or re-incorporation as aforesaid, and no suit or prosecution of any kind shall be in any manner affected by such change, but the same shall stand or progress as if no such change had been made; and all debts and liabilities of the former corporation shall be deemed to be the debts and liabilities of the new corporation, and all taxes levied and uncollected at the time of such change shall be collected the same as if such change had not been made: *Provided*, That where a different remedy is given in this act which can be made applicable to any rights existing at the time of the change of organization or re-incorporation of the village subject to this act, the same shall be deemed to be cumulative to the remedies before provided, and may be used accordingly.

Proviso.

Service of  
process in  
suits against  
corporation.

SEC. 26. Service of process in suits against corporations organized under this act, may be made on the president or clerk of the village, or, in their absence, upon any of the trustees thereof, by leaving certified copies of such process with the officer served, at least eight days before the return day of such process.

CHAPTER II.

ANNEXATION OF TERRITORY.

SECTION 1. The inhabitants residing upon any territory adjacent to any village incorporated under this act may, at their own request, be annexed to such village in manner following:

SEC. 2. Application for such purpose shall be by petition to the board of supervisors of the county in which the said territory is located, and shall be signed by a majority of the freehold electors residing upon said territory. It shall contain the name or names of some person or persons who are authorized to act as agent or agents of the petitioners in securing the annexation, and shall fully describe the said territory, and be accompanied by an accurate map thereof, and with a list or census of the freehold electors residing upon such territory, made within sixty days next preceding the filing of said petition, and verified by the affidavit of the person making such list. Notice of the time and place where the application will be made, and of the object of the petition, shall be given by publication of such notice in one of the newspapers of the village, if any is published therein, and by posting copies thereof in ten of the most public places upon said territory, at least one month before presenting said petition to the board. Proof of the publication and posting aforesaid shall be made by affidavit to be filed with the petition.

SEC. 3. Said petition with the map, census list, and proofs mentioned in the preceding section, may be presented to the board of supervisors at the time designated in said notice, and if no sufficient objection be made to appear thereto, the board may by resolution, reciting the filing and object of the petition and the description of said territory, consent to the annexation. Upon the passage of such resolution the clerk of the board shall make and certify a transcript thereof and copy of said map to the village council.

Council may  
by ordinance  
declare the  
territory  
annexed.

SEC. 4. Upon receiving said transcript from the clerk of the board the village council may, by ordinance referring to the transcript and describing said territory, consent to the application and declare the territory annexed to the village; but a rejection of the application shall not bar new proceedings for the same purpose after the lapse of one year.

Copy of or-  
dinance to  
be filed with  
Secretary of  
State and  
county clerk

SEC. 5. If the application for annexation be accepted by the council, the clerk of the village shall make two copies of said transcript and of the ordinance of annexation, and certify the same under his hand and the seal of the village, if any there be, to be correct, one of which certified copies shall be filed and recorded in the office of the Secretary of State, and the other in the office of the county clerk of the county where said territory is located.

Acquisition  
of territory  
by council.

Application  
to board of  
supervisors.

SEC. 6. Whenever any village, incorporated under this act, shall desire to enlarge its corporate limits by the annexation of adjacent territory, the council may, by resolution describing the territory sought to be acquired, authorize its annexation, and shall in the same resolution designate the time when an application will be made to the board of supervisors of the proper county for that purpose.

Publication  
and posting  
of notice.

SEC. 7. Notice of the intended application shall be given by publication of a copy of said resolution in one of the newspapers of the village, if any is published therein, and by posting copies thereof in five of the most public places in the said territory, at least one month before the time appointed for making the application. Proof of the publication and posting of said resolution as aforesaid shall be made by affidavit.

Proof of  
publication.

Action of  
board on the  
application.

SEC. 8. Upon presenting a certified copy of said resolution, and a map of the territory sought to be annexed, with proof of the publication and posting aforesaid, to said board of supervisors, at the time designated in said resolution, the board, if no sufficient objection is made thereto, may, by resolution reciting the resolution of the council and describing said territory, consent to and authorize the annexation thereof; and thereupon, the



clerk of the board shall certify a transcript of said resolution of consent, with said map, to the village council; whereupon, the council may, by ordinance referring to said transcript and describing the territory, declare the same annexed to the village; and the village clerk shall then make and certify like copies of the ordinance and transcript, as provided in section five of this chapter, and file the same for record in the offices of the Secretary of State and of the county clerk of the proper county.

Clerk of board to certify to council.

Ordinance of annexation; where filed and recorded

SEC. 9. Whenever certified copies of the ordinance of annexation and of the transcript of the resolution of the board of supervisors shall have been filed in the office of Secretary of State, as provided in sections five and eight, the territory therein described, and sought to be annexed, shall be deemed and taken to be a part and parcel of the village; and the inhabitants residing thereon shall have and enjoy all the rights and privileges of the inhabitants within the original limits of the village corporation. Certified copies of said ordinance and transcripts, so filed in the office of the Secretary of State or county clerk, or of the records thereof, shall be *prima facie* evidence of the matters therein stated, and of the legal annexation of the territory therein described.

When filed, territory deemed part of village.

Certified copies evidence.

### CHAPTER III.

#### ELECTORS AND REGISTRATION.

SECTION. 1. The inhabitants of villages incorporated under this act, having the qualifications of electors under the constitution of the State, and no others, shall be electors therein.

Who deemed electors.

SEC. 2. The village clerk and two of the trustees to be appointed each year by the council, shall be the village board of registration. On the Saturday previous to the day of holding any annual or special election, and on any other days that the village council may appoint, the board shall be in session for the purpose of completing the registration of the electors of the village. Notice of the time and place of such meeting shall be given with the notice of said election.

Board of registration.

Completion of registration of electors.

Manner and  
rules of reg-  
istration.

SEC. 3. In making and completing any such registration, the board shall proceed in the same manner and conform to the same rules, as near as may be, as are provided by law for registering electors in townships.

## CHAPTER IV.

### OFFICERS.

Officers  
elected.

SECTION 1. In villages incorporated under this act, the following officers shall be elected, viz: a president, six trustees, one clerk, one treasurer, one marshal, one street commissioner, one assessor, and one constable.

Officers ap-  
pointed.

SEC. 2. The council shall appoint an engineer of the fire department, and may appoint a village attorney, a village surveyor, one or more fire wardens, a pound-master, and such number of policemen and night watchmen as they shall deem expedient. The council may also, from time to time, provide by ordinance for the appointment of, and appoint for such term as may be provided by the ordinance, such other officers whose election or appointment is not herein specially provided for, as they shall deem necessary for the execution of the powers granted by this act, and may remove the same at pleasure. The powers and duties of all such officers shall be prescribed by ordinance.

Time of ap-  
pointment.

SEC. 3. Appointments to office by the council, excepting appointments to fill vacancies, shall be made on the second Monday in April in each year; but appointments which for any cause shall not be made on that day may be made at any subsequent regular meeting of the council.

Terms of  
office of cer-  
tain officers.

SEC. 4. The president, clerk, treasurer, marshal, street commissioner, assessor, and constables, shall hold their respective offices for the term of one year from the second Monday of March of the year when elected, and until their successors are elected and qualified and enter upon the duties of their offices.

Term of  
office of  
trustees.

SEC. 5. The trustees shall hold their offices for the term of two years from the second Monday in March of the year when

electd and until their successors are qualified and enter upon the duties of their offices; except that at the first election held in any village incorporated under this act, six trustees shall be elected, three for the term of one year, and three for the term of two years from the second Monday of March in the year when elected, and annually thereafter three trustees shall be elected for the term of two years: *Provided*, That in vil- Provide in case of re-incorporation. lages re-incorporated under this act, all trustees elected under the former corporation shall continue in office for the term for which they were elected; and at such first election such number of trustees only shall be elected as with those continuing in office as aforesaid, shall make the requisite number of those officers as required by this act; and the terms of office of the trustees so elected shall be so arranged that three trustees shall be elected annually thereafter.

SEC. 6. All officers appointed by the president or council, Term of office of appointed officers. except officers appointed to fill vacancies in elective offices, shall hold their respective offices until the second Monday of April next after such appointment, and until their successors are qualified and enter upon the duties of their offices, unless a different term of office shall be prescribed in this act, or in the ordinance creating the office. Officers appointed to fill Term when appointed to fill vacancy. vacancies shall hold the office for the residue of the term in which the vacancy occurred. All persons elected or appointed When officers to enter upon their duties. to office shall enter upon the duties thereof upon taking the oath of office and filing the requisite security, if any is required of them.

#### QUALIFICATIONS, OATH, AND BOND OF OFFICERS.

SEC. 7. No person shall be elected or appointed to any office Who eligible to office. unless he shall be an elector of the village. Nor shall any person be elected or appointed as aforesaid, who has been or is a defaulter to the village. All votes for, or any appointment of any such defaulter shall be void.

Oath of  
office.

SEC. 8. All officers elected or appointed in the village shall, within ten days after receiving notice of their election or appointment, take and subscribe the oath of office prescribed by the constitution of the State and file the same with the clerk.

Official bond

SEC. 9. Every officer elected or appointed in the village, before entering upon the duties of his office, and within the time prescribed for filing his official oath, shall file with the village clerk such bond or security as may be required by law or by any ordinance or requirement of the council, and with such sureties as shall be approved by the council, conditioned for the due performance of the duties of his office, except that the bond or security given by the clerk shall be deposited with the treasurer.

Examination  
as to suffi-  
ciency of  
sureties.

SEC. 10. The council, or president, or other officer whose duty it shall be to judge of the sufficiency of the proposed sureties of any officer or person of whom a bond or any security may be required by this act or by any ordinance or direction of the council, shall inquire into the sufficiency of such sureties, and examine them on oath as to their property. Such oath may be administered by the president, or any trustee, or other person authorized to administer oaths. Such examination shall be reduced to writing and signed by the surety and annexed to and filed with the instrument to which it relates. And no member of the common council shall sign any official bond relating to the village corporation, under a penalty of vacating his office; but such bond, if so signed and filed, shall be legal and valid.

To be in  
writing and  
filed with  
bond.

Signing of  
bond by  
members of  
council.

Power of  
council to  
require new  
bond.

SEC. 11. The council may also at any time require any officer to execute and file with the clerk of the village, additional or new official bonds, with such new or further sureties as said council shall deem requisite for the interest of the corporation. Any failure to comply with such requirement shall subject the officer to immediate removal from office by the council.

VACANCIES IN OFFICE.

SEC. 12. Resignations of officers shall be made to the council, subject to their approval and acceptance. Resignations

SEC. 13. If any officer shall cease to be a resident of the village during his term of office, the office shall be thereby vacated. If any officer shall be a defaulter, the office shall thereby be vacated. Acts by which offices are vacated.

SEC. 14. If any person elected or appointed to office shall fail to take and file the oath of office, or shall fail to give the bond or security required for the due performance of the duties of his office, within the time herein limited therefor, the council may declare the office vacant, unless previous thereto he shall file the oath and give the requisite bond or security. Idem.

SEC. 15. A vacancy in the office of president or of any trustee, occurring more than six months before an annual election, shall be filled by a special election. A vacancy in the office of any trustee, occurring within six months before an annual election, shall be filled by appointment of the council. Vacancies in any other office shall be filled by appointment by the council, within twenty days after the vacancy occurs, or if the vacancy be in an elective office it may be filled by an election or by appointment, in the discretion of the council. Vacancy, how filled.

SEC. 16. The resignation or removal of any officer shall not, nor shall the appointment or election of another to the office, exonerate such officer or his sureties from any liability incurred by him or them. Liability of officers and sureties.

SEC. 17. Whenever any officer shall resign or be removed from office, or the term for which he shall have been elected or appointed shall expire, he shall, on demand, deliver over to his successor in office all the books, papers, moneys, and effects in his custody as such officer, and in any way appertaining to his office; and every person violating this provision shall be deemed guilty of a misdemeanor, and may be proceeded against in the same manner as public officers generally for the Delivery of books, moneys, etc., to successors. Violation a misdemeanor.

like offense, under the general laws of this State, now or hereafter in force and applicable thereto; and every officer appointed or elected under this act shall be deemed an officer within the meaning and provisions of such general laws of the State.

## CHAPTER V.

### ELECTIONS.

Annual  
election.

SECTION 1. An annual election of officers shall be held on the second Monday in March in each year, at such place in the village as the council shall designate.

Spec'ial  
elections.

SEC. 2. Special elections may be appointed by resolution of the council, and held at such times as they shall determine, the purpose and object of which shall be fully set forth in the resolution appointing such election.

Board of in-  
spectors.

SEC. 3. The president and clerk of the village and one of the trustees, or any three of the trustees to be appointed by the council, shall be the inspectors of election. The president when present shall be chairman, and the others shall be clerks of the board of inspectors.

Election  
notice.

SEC. 4. Notice of the time and place of holding any election, and of the officers to be elected and the questions to be voted upon, shall, except as herein otherwise provided, be given by the clerk, at least eight days before such election, by posting such notices in three public places in the village, and by publishing a copy thereof in a newspaper in the village, if any is published therein, the same length of time before the election; and in case of a special election, the notice shall set forth the purpose and object of the election as fully as the same are required to be set forth in the resolution appointing such election.

Ballot-boxes

SEC. 5. The council shall provide and cause to be kept by the clerk, for use at all elections, suitable ballot-boxes of the kind required by law to be kept and used in townships.

Opening and  
closing the  
polls.

SEC. 6. On the day of elections held by virtue of this act, the polls shall be opened at eight o'clock in the morning, and

shall be kept open until five o'clock in the afternoon, at which hour they shall be finally closed. The inspectors shall cause proclamation to be made of the opening and closing of the polls.

SEC. 7. All elections held under the provisions of this act, shall be conducted, as nearly as may be, in the manner provided by law for holding general elections in the State, except as herein otherwise provided; and the inspectors of such elections shall have the same powers and authority for the preservation of order, and for enforcing obedience to their lawful commands during the time of holding the election and the canvass of the votes, as are conferred by law upon inspectors of general elections held in this State. Manner of conducting elections.

SEC. 8. The electors shall vote by ballot. The ballots cast upon any question or proposition submitted to be voted upon, shall be separate, and be deposited in a separate box. Ballots.

SEC. 9. If at any election vacancies are to be supplied, or if any person is to be elected for less than a full term of office, the term shall be designated on the ballot. Ballots for vacancies.

SEC. 10. Immediately after closing the polls, the inspectors of election shall, without adjourning, publicly canvass the votes received by them, and declare the result; and shall, on the same day or on the next day, make a statement in writing setting forth, in words at full length, the whole number of votes given for each office, the names of the persons for whom such votes for each office were given, and the number of votes so given for each person; and the whole number of votes given upon each question voted upon, and the number of the votes given for and against the same, which statement shall be certified under the hands of the inspectors to be correct; and they shall deposit such statement and certificate on the day of election, or on the next day, together with said poll lists and the register of electors and the boxes containing said ballots, in the office of the village clerk. Canvass by inspectors. Statement of result and certificate. To be deposited with village clerk.

Canvass the same as in general elections.

SEC. 11. The manner of canvassing said votes shall be the same as prescribed by law for canvassing votes at the general elections held in this State, and the inspectors shall in all other respects, except as herein otherwise provided, conform as nearly as may be to the duties required of inspectors of election at such general elections.

Council to determine result of election.

SEC. 12. The council shall convene on Thursday next succeeding each election, at their usual place of meeting, and determine the result of the election upon each question and proposition voted upon, and what persons were duly elected at the said election to the several offices respectively; and, thereupon, the clerk shall make duplicate certificates of such determination, showing the result of the election upon any question or proposition voted upon, and what persons are declared elected to the several offices respectively; one of which certificates he shall file in the office of the county clerk of the county in which the city is located, and the other shall be filed in the office of the village clerk.

Tie to be determined by lot.

SEC. 13. The persons receiving the greatest number of votes for any office shall be declared elected. If there shall be no choice for any office by reason of two or more candidates having received an equal number of votes, the council shall, at the meeting mentioned in the preceding section, determine by lot between such persons which shall be considered elected to such office.

Notice to persons elected.

SEC. 14. It shall be the duty of the village clerk, within five days after the meeting and determination of the council, as provided in section twelve, to notify each person elected, in writing, of his election; and he shall also, within five days after the council shall appoint any person to any office, in like manner notify such person of the appointment.

Clerk to report neglect to file oath and bond.

SEC. 15. Within one week after the expiration of the time in which any official bond or oath of office is required to be filed, the clerk shall report in writing to the council the names



of all persons elected or appointed to any office, who shall have neglected to file such oath and bond.

## CHAPTER VI.

### DUTIES AND COMPENSATION OF OFFICERS—THE PRESIDENT.

SECTION 1. The president shall be the chief executive officer of the village. He shall preside at the meetings of the council, and shall from time to time give the council information concerning the affairs of the corporation, and recommend such measures as he may deem expedient. It shall be his duty to exercise supervision over the affairs of the village, and over the public property belonging thereto; see that the laws relating to the village, and the ordinances and regulations of the council are enforced. Duties of president.

SEC. 2. The president shall be a conservator of the peace, and may exercise within the village the powers conferred upon sheriffs to suppress disorder; and shall have authority to command the assistance of all able-bodied citizens to aid in the enforcement of the ordinances of the council, and to suppress riot and disorderly conduct. Conservator of the peace.

SEC. 3. The president may remove any officer appointed by him at any time, and may suspend any policeman for neglect of duty. He shall have authority at all times to examine and inspect the books, records, and papers of any agent, employe, or officer of the corporation, and shall perform generally all such duties as are or may be prescribed by the ordinances of the village. May remove or suspend. May examine books etc.

SEC. 4. In the absence or disability of the president, or of any vacancy in his office, the president *pro tempore* of the council shall perform the duties of president. President pro tempore

### VILLAGE CLERK.

SEC. 5. The village clerk shall keep the corporate seal, and all the documents, official bonds, papers, files, and records of the village, not by this act or the ordinances of the village Duties of village clerk.

- entrusted to some other officer; he shall be clerk of the council; shall attend its meetings, record all its proceedings, ordinances, and resolutions, and shall countersign and register all licenses granted; he shall, when required, make and certify under the seal of the village, copies of the papers and records filed and kept in his office; and such copies shall be evidence in all places of the matters therein contained, to the same extent as the originals would be; he shall possess and exercise the powers of township clerk so far as the same are required to be performed within the village, except as to the filing of chattel mortgages; and he shall have authority to administer oaths and affirmations.

Further  
duties of  
clerk.

SEC. 6. The village clerk shall be the general accountant of the village; and all claims against the corporation shall be filed with him for adjustment; after examination thereof, he shall report the same with all accompanying vouchers and counter claims of the village, and the true balance as found by him, to the council, for allowance, and when allowed shall draw his warrant upon the treasurer for the payment thereof, designating thereon the fund from which payment is to be made, and take proper receipts therefor; but no warrant shall be drawn upon any fund after the same has been exhausted. When any tax or money shall be levied, raised, or appropriated, the clerk shall report the amount thereof to the village treasurer, stating the objects and funds for which it is levied, raised, or appropriated, and the amounts thereof to be credited to each fund.

Idem.

SEC. 7. The village clerk shall exercise a general supervision over all officers charged in any manner with the receipt, collection, and disbursement of the village revenues, and over all the property and assets of the village; he shall have charge of all books, vouchers, and documents relating to the accounts, contracts, debts, and revenues of the corporation; he shall countersign and register all bonds issued, and keep a list of all property and effects belonging to the village, and of all its

debts and liabilities; he shall keep a complete set of books, exhibiting the financial condition of the corporation in all its departments, funds, resources, and liabilities, with a proper classification thereof, and showing the purpose for which each fund was raised; he shall record all official bonds of the village, in a book prepared for the purpose, and such record, or a certified copy of the same, shall be *prima facie* evidence of such bond and filing in all courts and places; he shall also keep an account with the treasurer, in which he shall charge him with all moneys received for each of the several funds of the village, and credit him with all warrants drawn thereon, keeping an account with each fund.

SEC. 8. The clerk shall report to the council, whenever Financial report, etc. required, a detailed statement of the receipts, expenditures, and financial condition of the village, of the debts to be paid, and moneys required to meet the estimated expenses of the corporation, and shall perform such other duties pertaining to his office as the council may require.

#### VILLAGE TREASURER.

SEC. 9. The village treasurer shall have the custody of all Duties of treasurer. moneys, bonds, mortgages, notes, leases, and evidences of value, belonging to the village. He shall receive all moneys belonging to and receivable by the corporation, and keep an account of all receipts and expenditures thereof. He shall pay no money out of the treasury, except in pursuance of and by authority of law, and upon warrants signed by the clerk and president, which shall specify the purpose for which the amounts thereof are to be paid. He shall keep an account of, and be charged with, all taxes and moneys appropriated, raised, or received for each fund of the corporation, and shall keep a separate account of each fund, and shall credit thereto all moneys raised, paid in, or appropriated therefor, and shall pay every warrant out of the particular fund raised for the purpose for which the warrant was issued, and having the name of such fund indorsed thereon by the clerk.

Monthly  
report.

Annual  
report.

Filing and  
publication  
of same.

Treasurer's  
receipts.

Not to use  
public mon-  
eys for pri-  
vate pur-  
poses.

Penalty.

SEC. 10. The treasurer shall render to the clerk on the first Monday of every month, if required, a report of the amounts received and credited by him to each fund, and on what account received, and the amounts paid out by him from each fund during the preceding month, and the amount of money remaining in each fund on the day of his report. He shall also exhibit to the council annually on the first Monday in March, and as often and for such period as the council shall require, a full and detailed account of the receipts and disbursements of the treasury since the date of his last annual report, classifying them therein by the funds to which such receipts are credited and out of which such disbursements are made, and the balances remaining in each fund; which account shall be filed in the office of the clerk, and shall be published in one of the newspapers of the village, or posted in a public place therein.

SEC. 11. Said treasurer shall take receipts for all moneys paid from the treasury, showing the amount and fund from which payment was made, and the voucher or warrant upon which it was paid, and file the same with the clerk.

SEC. 12. The treasurer shall keep all moneys in his hands belonging to the village separate and distinct from his own moneys; and he is hereby prohibited from using, either directly or indirectly, the corporation moneys, warrants, or evidences of debt in his custody or keeping, for his own use or benefit or that of any other person. Any violation of this section shall subject him to immediate removal from office by the council, who are hereby authorized to declare the office vacant, and to appoint his successor for the remainder of his term.

#### VILLAGE MARSHAL.

Powers and  
duties of  
marshal as  
peace officer.

SEC. 13. The village marshal shall be the chief of the police of the village. As police officer he shall be subject to the direction of the president and council. It shall be his duty to see that all the ordinances and regulations of the council, made for the preservation of quiet, good order, and for the

safety and protection of the inhabitants of the village are promptly enforced. As peace officer he shall be vested with all the powers conferred upon sheriffs for the preservation of quiet and good order. He shall serve and execute all process directed or delivered to him, in all proceedings for violations of the ordinances of the village. Such process may be served anywhere within the State.

SEC. 14. He shall suppress all riots, disturbances, and <sup>Idem.</sup> breaches of the peace, and for that purpose may command the aid of the citizens in the performance of such duty. He shall also arrest all disorderly persons in the corporation. He shall arrest upon view, and with or without process, any person found in the act of committing any offense against the laws of the State or the ordinances of the village, and forthwith take such person before the proper magistrate or court for examination or trial, and may arrest and imprison persons found drunk on the streets until they become sober.

SEC. 15. The marshal shall report, in writing and on oath, <sup>Monthly report.</sup> to the council at their first meeting in each month, all arrests made by him and the cause thereof, and all persons discharged from arrest during the month; also, the number remaining in confinement for breaches of the ordinances of the village; the amount of all fines and fees collected by him. All moneys collected or received by the marshal, unless otherwise directed by <sup>Monthly payment of moneys received.</sup> this act, shall be paid into the village treasury during the same month when received, and the treasurer's receipt therefor shall be filed with the clerk.

SEC. 16. The marshal may collect and receive the same fees <sup>Fees.</sup> for services performed by him as are allowed to constables for like services.

SEC. 17. The marshal shall be the collector of all taxes levied <sup>Collector of taxes.</sup> in the village.

#### VILLAGE SURVEYOR.

SEC. 18. The village surveyor shall have and exercise within <sup>Powers and duties.</sup> the village the like powers and duties as are conferred by law

upon county surveyors; and the like effect and validity shall be given to his official acts, surveys, and plats, as are given by law to the acts and surveys of county surveyors. He shall make all necessary plats, maps, surveys, diagrams, and estimates required by the council or officers of the village, relating to the public improvements, buildings, grounds, and streets of the village.

STREET COMMISSIONER.

Powers and  
duties.

SEC. 19. It shall be the duty of the street commissioner to perform, or cause to be performed, all such labor, repairs, and improvements upon the highways, streets, sidewalks, alleys, bridges, reservoirs, drains, culverts, sewers, public grounds and parks within the village, as the council shall direct to be done by or under his supervision; and to oversee and do whatever may be required of him in relation thereto by the council.

Monthly  
report.

SEC. 20. He shall make a report to the council, in writing and on oath, once in each month, giving an exact statement of all labor performed by him, or under his supervision, and the charges therefor; the amount of material used, and the expense thereof, and the street or place where such material was used or labor performed; and further showing the items and purposes of all expenses incurred since his last preceding report; and no payment for labor or services performed, or for expenses incurred by him shall be made until reported on oath as aforesaid.

CONSTABLES.

Powers and  
authority.

SEC. 21. The constable of the village shall have the like powers and authority in matters of civil and criminal nature, and in relation to the service of all manner of process, as are conferred by law upon constables in townships, and shall receive the like fees for their services. They shall have the power also to serve all process issued for breaches of the ordinances of the village; and shall be subject to the same liabilities and duties as constables elected in townships.

ASSESSOR.

SEC. 22. The assessor shall perform such duties in relation to <sup>Duties.</sup> assessing property and levying taxes in the village as are prescribed by chapter twenty-six of this act.

COMPENSATION OF OFFICERS.

SEC. 23. The president and trustees shall serve without com- <sup>Who to be</sup> pensation. All other officers, except where other provision is <sup>paid, and</sup> made herein or by law regulating fees for services, shall receive <sup>how</sup> such compensation as the council shall prescribe. The salary or rate of compensation paid to any officer elected or appointed in the village shall not be increased or diminished during his term of office. The clerk, treasurer, and marshal shall receive an annual salary for their services.

CHAPTER VII.

THE VILLAGE COUNCIL.

SECTION 1. The legislative authority of villages incorpo- <sup>Authority,</sup> rated under this act shall be vested in a council consisting of <sup>and of whom</sup> the president, trustees, and village clerk. <sup>composed.</sup>

SEC. 2. The president of the village shall be president of <sup>President.</sup> the council, and preside at the meetings thereof, but shall have no vote therein except in case of a tie, when he shall have the casting vote.

SEC. 3. On the second Monday in April in each year, or as <sup>President</sup> soon thereafter as may be, the council shall appoint one of their <sup>pro tempore.</sup> number president *pro tempore* of the council, who, in the absence of the president, shall preside at the meetings thereof, and exercise the powers and duties of president. He shall have a vote upon all questions. In the absence of the president and president *pro tem.*, the council shall appoint one of their number to preside ; and for the time being he shall exercise the powers and duties of the president *pro tem.*

SEC. 4. The village clerk shall be clerk of the council, but <sup>Clerk of</sup> shall have no vote therein. He shall keep a full record of all <sup>council.</sup>

the proceedings of the council, and perform such other duties relating to his office as the council may direct. In the absence of the clerk the council shall appoint one of their number to perform the duties of his office.

Trustees to attend meetings.

SEC. 5. The trustees, each of whom shall be entitled to a vote in all the proceedings of the council, are required to attend all the meetings and sessions thereof, and to serve upon committees whenever appointed thereon.

Stated meetings.

SEC. 6. The council shall hold regular stated meetings for the transaction of business, at such times as it shall prescribe; not less than two of which shall be held in each month. The

Special meetings.

president or any three members of the council may appoint special meetings thereof, notice of which, in writing, shall be given to each trustee, or be left at his place of residence, at least six hours before the meeting.

Quorum.

SEC. 7. All meetings and sessions of the council shall be public. A majority of the trustees shall make a quorum for the transaction of business; a less number may adjourn from time to time, and may compel the attendance of absent members in such manner as shall be prescribed by ordinance. But

Acts requiring a two-thirds vote of trustees elect.

no office shall be created or abolished, nor any tax or assessment be imposed, street, alley, or public ground be vacated, real estate or any interest therein sold or disposed of, or private property be taken for public use, unless by a concurring vote of two-thirds of all the trustees elect. Nor shall any vote of the council be reconsidered at a special meeting, unless there be present as many trustees as were present when such vote was taken.

Majority vote on appropriations, etc.

No money shall be appropriated except by ordinance or resolution of the council; nor shall any ordinance be passed, nor any resolution appropriating money be adopted, except by a vote of a majority of all the trustees elected to office.

Manner of conducting the business of council.

SEC. 8. The council shall prescribe the rules of its own proceedings, and keep a record or journal thereof. All votes shall be taken by yeas and nays, and shall be so entered upon the journal as to show the names of those voting in the affirmative and those in the negative; and within one week after any



meeting of the council all the proceedings and votes taken thereat shall be published in one of the newspapers of the village, if any be printed therein. Publication of proceedings.

SEC. 9. The council may compel the attendance of its members and other officers of the village at the meetings, in such manner, and may enforce such fines for non-attendance, as may by ordinance be prescribed; and may by ordinance prescribe punishment for any misbehavior, contemptuous, or disorderly conduct by any member or any person present at any session of the council. Power over its members and other persons.

SEC. 10. The village attorney, marshal, street commissioner, and engineer of the fire department, shall have seats in the council, and may take part in all its proceedings and deliberations on all subjects relating to their respective departments, subject to such rules as the council shall from time to time prescribe, but without the right to vote. Said officers may be required to attend the meetings of the council in the same manner as members. Certain village officers entitled to seats in council.

SEC. 11. The council shall have the control of the finances, and of all the property, real and personal, of the village corporation, except as may be otherwise provided by law. Control of finances and property.

SEC. 12. Whenever by this act or any other provision of law, any power or authority is vested in, or duty imposed upon the corporation or council, the council may enact such appropriate ordinances as may be necessary for the execution and exercise of such power and authority and to regulate the performance of such duty. Execution of legal powers.

SEC. 13. The council may provide by ordinance for the appointment of standing committees of its members, who shall perform such duties, investigate, have charge of, and report upon such matters as may be properly referred to them. Such committees shall be appointed by the president. Standing committees.

SEC. 14. The council shall cause all records of the corporation, and of all proceedings of the council, and all books, documents, reports, contracts, receipts, vouchers, and papers relating to the same, to be deposited in the office of the clerk. Records, reports, receipts, etc., to be deposited in office of clerk.

Penalty for  
defacing or  
destroying  
public rec-  
ords.

ing to the finances and affairs of the village, or to the official acts of any officer of the corporation (unless required by law to be kept elsewhere), to be deposited and kept in the office of the clerk, and to be so arranged, filed, and kept, as to be convenient of access and inspection; and all such records, books, and papers, shall be subject to inspection by any inhabitant of the village or other person interested therein, at all reasonable times, except such parts thereof as, in the opinion of the council, it may be necessary for the furtherance of justice to withhold for the time being. Any person who shall secrete, injure, deface, alter, or destroy any such books, records, documents, or papers, or expose the same to loss or destruction, with the intent to prevent the contents or true meaning, or import of any thereof from being known, shall, on conviction thereof, be punished by imprisonment in the State Prison not longer than one year, or by fine not exceeding one thousand dollars, or by both such fine and imprisonment in the discretion of the court.

Extra com-  
pensation  
prohibited.

SEC. 15. No member of the council shall receive any compensation for his services, either as councilman, trustee, committeeman, or otherwise, except as herein provided.

Officers pro-  
hibited from  
being inter-  
ested in any  
contract.

SEC. 16. No member of the council, or any officer of the corporation shall be interested, directly or indirectly, in the profits of any contract, job, work, or services (other than official services, to be performed for the corporation). Any

Penalty.

member of the council, or officer of any village, herein specified, offending against the provisions of this section, shall, upon conviction thereof, be fined not less than five hundred nor more than one thousand dollars, or be imprisoned in the county jail not less than one nor more than six months, or both, in the discretion of the court, and shall forfeit his office.

Removals  
from office.

SEC. 17. Any person appointed to office by the council, by authority of this act, may be removed therefrom by a vote of the majority of the trustees elect; and the council may expel

any trustee or remove any person from office, by a concurring vote of two-thirds of all the trustees elect. In case of elective officers, provision shall be made, by ordinance, for preferring charges and trying the same; and no removal of an elective officer shall be made, unless a charge in writing is preferred, and an opportunity given to make a defense thereto.

SEC. 18. To enable the council to investigate charges against any officer, or such other matters as they may deem proper, the president, or any justice of the peace of the township is empowered, at the request of the council, to issue subpoenas or process by warrant, to compel the attendance of persons and the production of books and papers before the council or any committee thereof.

Investigation of charges against officers.

SEC. 19. Whenever the council, or any committee thereof, are authorized to compel the attendance of witnesses for the investigation of matters which may come before them, the presiding officer of the council, or chairman of such committee for the time being, shall have power to administer the necessary oaths; and such council or committee shall have the same power to compel the witnesses to testify as is conferred on courts of justices of the peace.

Powers conferred for purposes of investigation.

SEC. 20. The council shall audit and allow all accounts chargeable against the village; but no account, claim, or contract shall be received for audit or allowance, unless it shall be accompanied with an affidavit of the person rendering it to the effect that he verily believes that the services or property therein charged have been actually performed or delivered for the village, that the sums charged therefor are reasonable and just, and that to the best of his knowledge and belief no set-off exists, nor payment has been made on account thereof, except such as are indorsed or referred to in such account or claim. And every such account shall exhibit in detail all the items making up the amount claimed, and the true date of each. It shall be a sufficient defense in any court, to any action or proceeding for the collection of any demand or claim against the

Auditing of accounts and claims against the village.

village, that it has never been presented, verified as aforesaid, to the council for allowance ; or, that the claim was presented without the affidavit aforesaid and rejected for that reason ; or that the action or proceeding was brought before the council had a reasonable time to investigate and pass upon it.

## CHAPTER VIII.

### ORDINANCES.

Style, vote  
on passage,  
and time of  
taking effect

SECTION 1. The style of all ordinances shall be, "The village of —— ordains." All ordinances shall require, for their passage, the concurrence of a majority of all the trustees elected. The time when any ordinance shall take effect shall be prescribed therein. Such time, where the ordinance imposes a penalty, shall not be less than twenty days from the day of its passage.

Fines, pen-  
alties, and  
forfeitures.

SEC. 2. When, by the provisions of this act, the council of any village has authority to pass ordinances for any purpose, they may prescribe fines, penalties, and forfeitures, not exceeding one hundred dollars (unless a greater fine or penalty is herein authorized), or imprisonment not exceeding ninety days, or both, in the discretion of the court, together with the costs of the prosecution, for each violation of any of said ordinances ; and may provide that the offender, on failing to pay any such fine, penalty, or forfeiture, and the costs of prosecution, may be imprisoned for any time not exceeding ninety days, unless payment thereof be sooner made ; and may direct such imprisonment to be in the village prison, or in the county jail of the county within which the village is located, or in such other prison or place of confinement as the council may prescribe ; and that the offender be kept at labor during such imprisonment. Such fine, penalty, or forfeiture and imprisonment, for the violation of any ordinance, shall be prescribed in the ordinance.

Approval of  
ordinances  
by president

SEC. 3. On the same day, or on the next day after the passage of any ordinance, the clerk of the council shall present

the same to the president or other person performing the duties of president, for his approval. No ordinance shall be of any force without the written approval of the president or other person performing for the time being the duties of his office, unless he omit to return it to the clerk of the council, with his objection thereto, within three days after its presentation to him, in which case it shall be deemed regularly enacted. If, after the return of the ordinance with the objections thereto, as aforesaid, the same shall be passed or re-enacted by a vote of five of the trustees, the ordinance shall be deemed regularly enacted, and the time of its re-enactment shall be deemed to be the time of its passage.

SEC. 4. At the time of presenting any ordinance to the president for his approval, the clerk of the council shall certify thereon, and also in the journal or record of the proceedings of the council, the time when the same was so presented, and shall also certify thereon and in such journal or record the time of the return of such ordinance, and whether approved or with objections, and shall at the next meeting of the council report any ordinances returned with objections thereto.

*Duty of clerk relative to date of presentation of ordinances for approval.*

SEC. 5. No ordinance shall be revived unless the whole, or so much as is intended to be revived, shall be re-enacted. When any section of an ordinance is amended, the whole section, as amended, shall be re-enacted.

*Revival and amendments of ordinances.*

SEC. 6. All ordinances when approved by the president, or when regularly enacted, shall be recorded by the clerk of the council, in a book to be called "the record of ordinances," and it shall be the duty of the president and clerk to authenticate the same by their official signatures upon such record.

*Record of ordinances.*

SEC. 7. Within one week after the passage of any ordinance, the same shall be published in a newspaper printed in the village, if any is published therein, otherwise copies of the ordinance shall, within the same time, be posted in three of the most public places in the village; and the clerk shall, imme-

*Publication.*

Certificate  
of publica-  
tion.

diately after such publication or posting, enter in the record of ordinances, in a blank space to be left for such purpose under the record of the ordinance, a certificate under his hand, stating the time and place or places of such publication or posting. Such certificate shall be *prima facie* evidence of the due publication and posting of the ordinance.

Proof of  
ordinances,  
etc., in court

SEC. 8. In all courts, having authority to hear, try, or determine any matter or cause arising under the ordinances of any village, and in all proceedings in such village relating to or arising under the ordinances, or any ordinance thereof, judicial notice shall be taken of the enactment, existence, provisions, and continuing force of such ordinances. And whenever it shall be necessary to prove any of the laws, regulations, or ordinances of any village, or any resolution adopted by the council thereof, the same may be read in all courts of justice and in all proceedings: *First*, From a record thereof kept by the village clerk; *Second*, From a copy of the ordinance, or of the record thereof, certified by the clerk under the corporate seal of the village; *Third*, From any volume of ordinances purporting to have been written or printed by authority of the council.

## CHAPTER IX.

### ENFORCEMENT OF ORDINANCES.

Time and  
place for  
commence-  
ment of  
prosecutions

SECTION 1. Prosecutions for violations of the ordinances of villages incorporated under this act, shall be commenced within two years after the commission of the offense; and shall be brought within the village or in the county in which the village, or some part thereof, is located. Any justice of the

Authority of  
certain jus-  
tices outside  
of village to  
try cases.

peace of the township, or of the county in which the village or some part of it is situated, shall have authority to hear, try, and determine all causes and suits arising under the ordinances of the village, and to inflict punishment for violations thereof, as provided in the ordinances.

SEC. 2. Whenever a penalty shall be incurred for the viola-

tion of any ordinance, and no provision shall be made for the imprisonment of the offender upon conviction therefor, such penalty may be recovered in an action of debt, or in assumpsit. And when a corporation shall incur a penalty for the violation of any such ordinance, the same shall be sued for in one of the actions aforesaid.

Recovery  
of penalties  
and forfeit-  
ure.

SEC. 3. Such action shall be brought in the name of the village, and shall be commenced by summons. The form, time of return, and service thereof, the pleadings, and all the proceedings in the cause, shall, except as otherwise provided herein, conform to and be the same as nearly as may be, as in like actions provided by law for the recovery of penalties for violations of the laws of the State. Upon the rendition of judgment against the defendant, execution shall issue forthwith, and except when against a corporation, shall require, if sufficient goods and chattels cannot be found to satisfy the same, that the defendant be committed to prison, there to remain for a period not exceeding ninety days, unless such execution be sooner paid, or he be discharged by due course of law.

Idem.

SEC. 4. Prosecutions for violations of the ordinances of the village may also, in all cases, except against corporations, be commenced by warrant for the arrest of the offender.

Prosecutions  
may be com-  
menced by  
warrant.

SEC. 5. Such warrant shall be in the name of the people of the State of Michigan, and shall set forth the substance of the offense complained of, and be substantially of the form, and be issued upon complaint made, as provided by law, in criminal cases cognizable by justices of the peace. And the proceedings relating to the arrest and custody of the accused during the pendency of the suit, the pleadings, and all proceedings upon the trial of the cause, and in procuring the attendance and testimony of witnesses, and in the rendition of judgment and the execution thereof, shall, except as otherwise provided by this act, be governed by, and conform as nearly as may be to, the provisions of law regulating the proceedings in criminal causes cognizable by justices of the peace.

Form of  
warrant.

Proceedings

Certificate  
of publica-  
tion.

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Proof of  
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Form of  
warrant.

Proceedings

**Judgment.**

**SEC. 6.** If the accused shall be convicted, the court shall render judgment thereon, and inflict such punishment, either by fine or imprisonment, or both, not exceeding the limit prescribed in the ordinance violated, as the nature of the case may require, together with such costs of prosecution as the court shall order, not exceeding the amount allowed by law in criminal cases cognizable by justices of the peace.

**Costs.**

**Execution  
of judgment.**

**SEC. 7.** Every such judgment shall be executed by virtue of an execution or warrant specifying the particulars of the judgment. If the judgment be for the payment of a fine only, with or without costs, execution of the form prescribed in section three of this chapter shall issue forthwith. If judgment be for both fine and imprisonment, a warrant shall issue immediately for the commitment of the defendant until the expiration of the term mentioned in the sentence, and an execution shall issue at the same time against the goods and chattels of the defendant for the collection of the fine imposed. In cases where a fine and imprisonment in default of payment thereof, or where imprisonment alone is imposed, a warrant of commitment shall issue accordingly, in the former case, until the expiration of the sentence, unless the fine and costs be sooner paid, and in the latter, for the term named in the sentence.

**Villages al-  
lowed the  
use of coun-  
ty jail.**

**SEC. 8.** Every village shall be allowed the use of the jail of the county in which it is located, for the confinement of all persons liable to imprisonment under the ordinances thereof or under any of the provisions of this act; and any person so liable to imprisonment may be sentenced to, and committed to imprisonment in such county jail, or in the village prison, or other place of confinement provided by the village; and the sheriff or other keeper of such jail, or other place of confinement or imprisonment, shall receive and safely keep any person committed therein as aforesaid, until lawfully discharged.

**Processes,  
to whom  
directed.**

**SEC. 9.** All process issued in any prosecution or proceeding for the violation of any ordinance of the village, shall be

directed to the village marshal, or to any constable of the county, and may be executed in any part of the State, by said officers, or by any officer authorized by law to serve process issued by justices of the peace.

SEC. 10. It shall not be necessary in any suit, proceeding, or prosecution for the violation of any ordinance, to state or set forth such ordinance or any of the provisions thereof, in any complaint, warrant, process, or pleading therein; but the same shall be deemed sufficiently set forth or stated, by reciting its title and the date of its passage or approval. And it shall be a sufficient statement of the cause of action in any such complaint or warrant, to set forth substantially, and with reasonable certainty as to time and place, the act or offense complained of, and to allege the same to be in violation of an ordinance of the village, referring thereto by its title and the date of its passage or approval.

Setting forth of ordinance in complaint, pleadings, etc.

Statement of cause of action in complaint, etc.

SEC. 11. In all prosecutions for violations of the ordinances of the village, either party may require a trial by jury. Such jury, except where other provision is made, shall consist of six persons; and in suits commenced by warrant, shall be selected and summoned as in criminal cases cognizable by justices of the peace, and in suits commenced by summons as in civil cases triable before such magistrates. No inhabitant of the village shall be incompetent to serve as a juror in any cause in which the village is a party, or interested, on account merely of such interest as he may have in common with the inhabitants of the village, in the result of the suit.

Trial by, and forming of jury.

SEC. 12. Any party convicted of a violation of any ordinance of the village, in a suit commenced by warrant, as aforesaid, may remove the judgment and proceedings into the circuit court for the county in which the village is located, by appeal or writ of certiorari; and the proceedings therefor, and the bond or security to be given thereon, and the proceedings and disposition of the cause in the circuit court, shall be the same as on appeal and certiorari in criminal cases cognizable

Appeal to circuit court

Bond, security, and proceedings.

by justices of the peace; and in suits to which the village may be a party, brought to recover any penalty for such violations, either party may appeal from the judgment, or remove the proceedings, by certiorari, into the circuit court; and the like proceedings shall be had therefor and thereon, and the like bond or security shall be given, as in cases of appeal and certiorari in civil cases, tried before justices of the peace, except that the village shall not be required to give any bond or security thereon.

**Fines, to  
whom pay-  
able.**

**SEC. 13.** All fines imposed for violations of the ordinances of the village, if paid before the accused is committed, shall be received by the court or magistrate before whom the conviction was had. If any fine shall be collected upon execution, the officer or persons receiving the same shall immediately pay over the money collected to said court or magistrate. If the accused be committed, payment of the fine and costs imposed shall be made to the sheriff or other keeper of the jail or prison, who shall, within thirty days thereafter, pay the same to said court or magistrate; and the court or magistrate receiving any such fine or penalty, or any part thereof, shall pay the same into the village treasury (except such fines as by the constitution are appropriated for library purposes), on or before the first Monday of the month next after the receipt of the same, and take the treasurer's receipt therefor, and file the same with the village clerk.

**Neglect to  
pay over  
fines.**

**SEC. 14.** If any person who shall have received any such fine, or any part thereof, shall neglect to pay over the same pursuant to the foregoing provision, it shall be the duty of the council to cause suit to be commenced immediately therefor, in the name of the village, and to prosecute the same to effect.

**Penalty.**

Any person receiving any such fine, who shall willfully neglect or refuse to pay over the same as required by the foregoing provisions, shall be deemed guilty of a misdemeanor and shall be punished accordingly.

**SEC. 15.** Fines paid into the village treasury for violations

of ordinances of the village shall be disposed of as the council may direct. The expenses of the apprehension and punishment of persons violating the ordinances of the village, excepting such part as shall be paid by costs collected, shall be defrayed by the village, except as herein otherwise provided.

Disposition of fines paid into village treasury, etc.

SEC. 16. In all prosecutions for the violations of the ordinance of the village, commenced by any person other than an officer of the village, the court may require the prosecutor to file security for the payment of the costs of the proceedings, in case the defendant is acquitted.

Security for costs in certain cases.

## CHAPTER X.

### GENERAL POWERS OF VILLAGE CORPORATIONS.

SECTION 1. Every village incorporated under the provisions of this act, shall, in addition to such other powers as are herein conferred, have the general powers and authority in this chapter mentioned; and the council may pass such ordinances in relation thereto, and for the exercise of the same, as they may deem proper, viz:

Powers and authority, and exercise thereof.

*First,* To restrain and prevent vice and immorality, gambling, noise, and disturbance, indecent or disorderly conduct or assemblages, and to punish for the same; to prevent and quell riots; to preserve peace and good order, and to protect the property of the corporation, and of its inhabitants, and of any association, public or private corporation, or congregation therein, and to punish for injuries thereto, or for unlawful interference therewith;

To prevent vice, etc.

*Second,* To apprehend and punish vagrants, drunkards, disorderly persons, and common prostitutes;

To punish vagrants, etc.

*Third,* To prevent injury or annoyance from anything dangerous, offensive, or unhealthy; to prohibit and remove anything tending to cause or promote disease; to prevent and abate nuisances, and to punish those occasioning them, or neglecting or refusing to abate, discontinue, or remove the

To abate nuisances.

same; and generally to determine and declare what shall be deemed nuisances;

To suppress  
disorderly  
houses, etc.

*Fourth,* To prohibit and suppress all disorderly houses and places, houses of ill-fame, assignation houses, gambling houses, and all places where persons resort for gaming or to play at games of chance, and to punish the keepers thereof;

To regulate  
billiard  
tables, etc.

*Fifth,* To regulate, license, or prohibit, and suppress billiard-tables, nine or ten-pin alleys or tables, and ball-alleys;

To suppress  
gaming.

*Sixth,* To prohibit and suppress every species of gaming, and to authorize the seizure and destruction of all instruments and devices used for the purpose of gaming;

To regulate  
ale houses,  
etc.

*Seventh,* To regulate, prohibit, and suppress ale, beer, and porter houses, and all places of resort for tippling and intemperance, and to punish the keepers thereof and all persons assisting in carrying on the business thereof; and to require all such places to be closed up on the Sabbath day, and upon such other days and during such hours of every night as the council shall prescribe;

To prohibit  
sale, etc., of  
liquors, to  
minors, etc.

*Eighth,* To prohibit and prevent the selling or giving of any spirituous or intoxicating liquors to any drunkard or intemperate person, minor, or apprentice, and to punish any person so doing;

To regulate  
and license  
shows.

*Ninth,* To regulate, restrain, license, or prohibit all sports, exhibitions of natural or artificial curiosities, caravans, circuses, menageries, theatrical exhibitions, shows, and all exhibitions of whatever name or nature, for which money or other reward is in any manner demanded or received; lectures on historic, literary, or scientific subjects, excepted;

To punish  
the violation  
of the Sab-  
bath, etc.

*Tenth,* To prevent and punish violations of the Sabbath day, and the disturbance of any religious meetings, congregations, or society, or other public meeting assembled for any lawful purpose; and to require all places of business to be closed upon the Sabbath day;

To regulate  
auctions, etc

*Eleventh,* To license auctioneers, auctions, and sales at auction, to regulate or prohibit the sale of live or domestic animals

at auction in the streets or alleys, or upon any public grounds within the village; to regulate or prohibit the sales of goods, wares, property, or any thing at auction, or by any manner of public biddings or offers by the buyers or sellers after the manner of auction sales or Dutch auctions, and to license the same, and to regulate the fees to be paid by and to auctioneers; but no license shall be required in case of sales required by law to be made at auction or public vendue;

*Twelfth,* To license hawkers, peddlers, and pawnbrokers, and hawking and peddling; and to regulate, license, or prohibit the sale or peddling of goods, wares, merchandise, refreshments, or any kind of property or thing by persons going about from place to place in the village for that purpose, or from any stand, cart, vehicle, or other device, in the streets, highways, or in or upon the wharves, docks, open places or spaces, public grounds or buildings in the village; To license peddlers, etc.

*Thirteenth,* To regulate and license all taverns and houses of public entertainment; all saloons, restaurants, and eating-houses; To license taverns, etc.

*Fourteenth,* To license and regulate all vehicles, of every kind, used for the transportation of persons or property, for hire within the village; To license hacks.

*Fifteenth,* To regulate and license all toll bridges within the village, and to prescribe the rates and charges for passage over the same, and to require and compel the owners or keepers thereof to light the same at night; To regulate and license toll bridges.

*Sixteenth,* To provide for and regulate the inspection of meats, poultry, fish, butter, cheese, lard, vegetables, flour, meat, and other provisions; Inspection of certain provisions.

*Seventeenth,* To regulate the inspection, weighing, and measuring of brick, lumber, fire-wood, coal, hay, and any articles of merchandise; Weighing and measuring of certain articles.

*Eighteenth,* To provide for the inspection and sealing of weights and measures; Sealing of weights and measures.

- Use of proper weights and measures.** *Nineteenth,* To enforce the keeping and use of proper weights and measures by venders;
- Vaults, cisterns, etc.** *Twentieth,* To regulate the construction, repair, and use of vaults, cisterns, areas, hydrants, pumps, sewers, and gutters;
- To prevent obscenity,** *Twenty-first,* To prohibit and prevent, in the streets, or elsewhere in the village, indecent exposure of the person, the show, sale, or exhibition for sale, of indecent or obscene pictures, drawings, engravings, paintings, and books or pamphlets, and all indecent or obscene exhibitions and shows of every kind;
- Bathing.** *Twenty-second,* To regulate or prohibit bathing in the rivers, ponds, streams and waters of the village;
- To preserve purity of streams, etc.** *Twenty-third,* To provide for clearing the rivers, ponds, and streams of the village, and the races connected therewith, of all drift-wood and noxious matter; and to prohibit and prevent the depositing therein of any filth or other matter tending to render the waters thereof impure, unwholesome, and offensive; and to compel owners of mill-races to cover and bridge the same whenever the public convenience may require;
- Relative to certain shops and offensive places.** *Twenty-fourth,* To compel the owner or occupant of any grocery, tallow-chandler shop, soap or candle factory, butcher-shop or stall, slaughter-house, stable, barn, privy, sewer, or other offensive, nauseous, or unwholesome place or house, to cleanse, remove, or abate the same whenever the council shall deem it necessary for the health, comfort, or convenience of the inhabitants of the village;
- To regulate the selling, etc., of nitro-glycerine, gunpowder, etc.** *Twenty-fifth,* To regulate the keeping, selling, and using of nitro-glycerine, dualine, giant powder, gunpowder, fire-crackers and fireworks, and all other combustible or explosive materials, and the exhibition of fire-works, and the discharge of fire-arms, and to restrain the making or lighting of fires in the streets and other open spaces in the village;
- To regulate drains, cellars, etc.** *Twenty-sixth,* To direct and regulate the construction of cellars, slips, barns, private drains, sinks, and privies; to compel the owner or occupant to fill up, drain, cleanse, alter, relay or repair the same, or to cause the same to be done by



some proper officer of the corporation, and to assess the expenses thereof on the lot or premises having such cellar, slip, barn, private drain, sink or privy thereon ;

*Twenty-seventh,* To prohibit, prevent, and suppress mock-auctions, and every kind of fraudulent game, device, or practice, and punish all persons managing, using, practicing, or attempting to manage, use, or practice the same, and all persons aiding in the management or practice thereof ; To prevent fraudulent devices, etc.

*Twenty-eighth,* To prohibit, prevent, and suppress all lotteries for the drawing or disposing of money, or any other property whatsoever, and to punish all persons maintaining; directing, or managing the same, or aiding in the maintenance, direction, or managing the same ; To prevent lotteries.

*Twenty-ninth,* To license and regulate solicitors for passengers or for baggage for any hotel, tavern, public house, boat, or railroad ; also, draymen, carmen, truckmen, porters, runners, drivers of cabs, hackney coaches, omnibuses, carriages, sleighs, express vehicles, and vehicles of every other description, used and employed for hire, and to fix and regulate the amounts and rates of their compensation ; Relative to solicitors for passengers, etc.

*Thirtieth,* To provide for the protection and care of paupers, and to prohibit and prevent all persons from bringing to the village, from any other place, any pauper, or other person likely to become a charge upon the village, and to punish therefor ; Relative to paupers.

*Thirty-first,* To provide for taking a census of the inhabitants of the village, whenever the council may see fit ; and to direct and regulate the same ; Relative to taking census.

*Thirty-second,* And further: The council shall have authority to enact all ordinances, and to make all such regulations, consistent with the laws and constitution of the State, as they may deem necessary to the safety, order, and good government of the village, and the general welfare of the inhabitants thereof ; but no exclusive rights, privileges, or permits General authority to enact ordinances.

shall be granted by the council to any person or persons, or to any corporation, for any purpose whatever.

Granting of  
licenses.

SEC. 2. The council may prescribe the terms and conditions upon which licenses may be granted, and may exact and require payment of such sum for any license as they may deem proper. The person receiving the license shall, before the issuing thereof, execute a bond to the corporation in such sum as the council may prescribe, with one or more sufficient sureties, conditioned for a faithful observance of the laws relating to the corporation and the ordinances of the council, and otherwise conditioned as the council may prescribe. Every license shall be revokable by the council at pleasure; and when any license shall be revoked for non-compliance with the terms and conditions upon which it was granted, or on account of any violation of any ordinance or regulation passed or authorized by the council, the person holding such license shall, in addition to all other penalties imposed, forfeit all payments made for such license.

Terms of  
licenses, and  
enforcing  
the taking  
out thereof.

SEC. 3. No license shall be granted for any term beyond the first Monday in June next thereafter, nor shall any license be transferable. And the council may provide for punishment by fine or imprisonment, or both, of any person who, without license, shall exercise any occupation or trade, or do anything for or in respect to which any license shall be required by any ordinance or regulation of the council.

Disposition  
of money re-  
ceived for  
licenses.

SEC. 4. All sums received for licenses granted for any purpose by the village or under its authority, shall be paid into the treasury, to be disposed of as the council shall direct.

Power of  
council in  
relation to  
railroads.

SEC. 5. The council of any village shall have authority to permit any railroad company to lay its track, and operate its road with steam locomotives, in or across such of the public streets, highways, or alleys of the village as the council may deem expedient, upon such terms and conditions, and subject to such regulations to be observed by the company, as the council may prescribe; and to prohibit the laying of such

track, or the operating of any such road, except upon such terms and conditions.

SEC. 6. The council shall have power to compel any railroad <sup>Idem.</sup> company to construct street crossings in such manner, and with such protections to persons crossing thereat, as the council may require; and to keep them in repair; also, to require and compel said railroad companies to keep flagmen or watchmen at all railroad crossings of streets, and to give warning of the approach and passage of trains thereat, and to light such crossings during the night; to regulate and prescribe the speed of all locomotives and railroad trains within the village; but such speed shall not be required to be less than four miles per hour; and to impose a fine of not less than five nor more than fifty dollars, upon the company, and upon any engineer or conductor violating any ordinance regulating the speed of trains.

SEC. 7. The council shall have power to require and compel <sup>Idem.</sup> any railroad company, and any street railway company, to make, keep open and in repair, such ditches, drains, sewers, and culverts along and under, or across their railroad tracks, as may be necessary to drain their grounds and right of way properly, and in such manner as the council shall direct; and so that the natural drainage of adjacent property shall not be impeded. If any such railroad company or street railway company shall neglect to perform any such requirement, according to the direction of the council, the council may cause the work to be done at the expense of such company, and the amount of such expense may be collected at the suit of the village against the company, in a civil action, before any court having jurisdiction of the cause.

SEC. 8. The council is authorized to enact all such ordinances and laws as it may deem proper relative to the building, rebuilding, maintaining, and repairing of <sup>Partition fences.</sup> partition fences by the owners and occupants of adjoining lots, inclosures, and parcels of land in the village; and relative to the assigning to

the owners or occupants of such adjoining pieces of land, the portion of such partition fences to be maintained by them respectively; and may provide for the recording of such assignments and divisions when made; and may provide for the recovery of damages from any owner or occupant who shall fail to comply with the provisions and requirements of any ordinance relative to such partition fences. And the council may appoint fence-viewers, and prescribe their duties and mode of proceeding in all cases relating to partition fences in the village.

Fence-viewers.

Support of poor.

SEC. 9. The council of any village may make such provisions as they shall deem expedient, for the support and relief of poor persons residing in the village; and for that purpose may provide by ordinance for the election or appointment of a director of the poor for the village, and may prescribe his duties and vest him with such authority as may be proper for the due exercise of his duties.

## CHAPTER XI.

### POLICE.

Provision for appointment.

SECTION 1. The council of any village may provide for and establish a police force, and appoint from time to time such number of policemen and night watchmen as they shall deem expedient for the good government of the village and for the protection of the persons and property of the inhabitants; and they may authorize the president of the village, in cases of emergency and danger, to appoint, temporarily, such number of policemen as in his judgment the occasion may require.

Rules for government of, etc.

SEC. 2. The council shall make all necessary rules for the government of the police, and prescribe the powers and duties of policemen and watchmen; and they may invest them with such authority as may be necessary for the preservation of quiet and good order in the village.

Marshal chief of police.

SEC. 3. The village marshal shall be chief of the police, and subject to the president, shall have the direction of the police

of the village. For the preservation of the peace the police and watchmen shall have all the powers given by law to constables. It shall be their duty to suppress all riots, disturbances, and breaches of the peace; to arrest persons fleeing from justice, to apprehend upon view any person found in the act of committing any offense against the laws of the State, or violating the ordinances of the village, and to take the offender before the proper magistrate or officer, to be punished; to make complaints before the proper magistrate of any person known or believed by them to be guilty of crime or any violation of the ordinances of the council; and to serve all process that may be delivered to them for that purpose; and generally to perform all such duties as may be required by the council for the good government of the village.

**Powers and duties of policemen.**

## CHAPTER XII.

### VILLAGE PRISON.

SECTION 1. The council shall have power to provide and maintain a village prison, and such watch or station houses as may be necessary, and may provide for the confinement therein of all persons liable to imprisonment or detention under the ordinances of the village, and for the employment of those imprisoned therein.

**Provision for, and for imprisonment therein.**

SEC. 2. All persons sentenced to confinement in such prison, and all persons imprisoned therein on execution for the non-payment of fines for violations of the ordinances of the village, may be kept at hard labor during the term of their imprisonment, either within or without the prison, under such regulations as the council may prescribe.

**Prisoners may be kept at hard labor.**

## CHAPTER XIII.

### PUBLIC HEALTH.

SECTION. 1. The council of any village may enact all such ordinances as may be deemed necessary for the preservation and protection of the health of the inhabitants thereof, and to

**Provisions for protection of.**

prevent the introduction of malignant, infectious, or contagious diseases within the village, or within one mile thereof; and for the removal of persons having such diseases, or who, from exposure thereto or otherwise may be suspected or believed to be liable to communicate the same, either beyond the corporate limits, or to such hospital or place of treatment within the village as the council may prescribe and the public safety may require.

Abatement  
of nuisances  
dangerous  
to health.

SEC. 2. The council shall have power to prevent and remove or abate all nuisances dangerous to life or health within the village; and may require any person, corporation, or company causing such nuisance, and the owner or occupant of any lot or premises upon or in which any such nuisance or cause of disease may be found, to remove or abate the same, upon such notice, and within such time, and in such manner as the council may by ordinance or resolution direct.

Cleansing of  
unwholesome  
places.

SEC. 3. If any cellar, vault, lot, sewer, drain, place, or premises within the village, shall be damp, unwholesome, offensive, or filthy, or be covered during any portion of the year with stagnant or impure water, or shall be in such condition as to produce offensive exhalations, the council may cause the same to be drained, filled up, cleansed, or purified; or, may require the owner or occupant, or person in charge of such lot, premises, or place, to perform such duty; and may require the owner or occupant of any building, fence, or structure which may be ruinous, or liable to fall and injure persons or property, to pull down or remove the same; or the council may cause the same to be done by the proper officers of the village.

Removal of  
dangerous  
structures.

SEC. 4. If the owner or occupant of any lot or premises, when required by the council or board of health to remove any unsafe building or structure, or to cleanse, purify, or drain such lot or premises, or to abate or remove any nuisance therefrom, shall neglect so to do, and the council shall incur any expense in causing the same to be done, such expense may be

Collection of  
expense of  
removals,  
etc., in cases  
of neglect.

SEC. 4. If the owner or occupant of any lot or premises, when required by the council or board of health to remove any unsafe building or structure, or to cleanse, purify, or drain such lot or premises, or to abate or remove any nuisance therefrom, shall neglect so to do, and the council shall incur any expense in causing the same to be done, such expense may be

charged upon such lot or premises, and collected as a special assessment thereon.

SEC. 5. The council, when they shall deem it necessary, may from time to time assign, by ordinance, certain places for the exercising of any trade or employment offensive to the inhabitants, or dangerous to the public health; and may forbid the exercise thereof in places not so assigned; and may change or revoke such assignments at pleasure; and whenever a business carried on in any place so assigned, or in any other place in the village, shall become hurtful and dangerous to the health of the neighborhood, the council may prohibit the further exercise of such business or employment at such place.

Assignment of location, for carrying on offensive or dangerous business.

SEC. 6. The council may purchase the necessary lands, and erect thereon, or otherwise provide, one or more hospitals, either within or without the corporation, and provide for the appointment of the necessary officers and employes for the management thereof, and for the care and treatment therein, of such sick and diseased persons as to the council or board of health of the village shall seem proper; and, by direction of the council or board, persons having any malignant, infectious, or contagious disease, may be removed to such hospital, and there detained and treated, when the public safety may so require; and the council may provide such restraints and punishments as may be necessary to prevent any such person from departing from such hospital until duly discharged.

Establishment of hospitals and detention of persons having contagious diseases.

SEC. 7. The council of any village incorporated under this act, shall have and exercise all the powers and authority conferred upon boards of health by the general laws of the State, so far as the same are applicable; and they may enact such ordinances as may be necessary for regulating the proceedings and mode of exercising such powers.

Power of council the same as boards of health.

SEC. 8. When the council shall deem it necessary, they may establish a board of health for the village, and appoint officers therefor, and make rules for its government, and invest it with

Establishment of boards of health, and their authority.

such powers and authority as may be necessary for the protection and preservation of the health of the inhabitants.

## CHAPTER XIV.

### CEMETERIES.

Acquisition  
of, and regu-  
lations as to  
interments.

SECTION 1. Any village may acquire and hold such cemetery or public burial place or places, either within or without the limits of the corporation, as in the opinion of the council shall be necessary for the public welfare and suitable for the convenience of the inhabitants; and may prohibit the interment of the dead within the village, or may limit such interments therein to such cemetery or burial place as the council may prescribe; and the council may cause any bodies buried within the village in violation of any rule or ordinance made in respect to such burials, to be taken up and buried elsewhere.

Raising of  
money for  
purchase,  
improve-  
ment, etc.,  
of.

SEC. 2. The council may, within the limitations in this act contained, raise and appropriate such sums as may be necessary for the purchase of cemetery grounds, and for the improvement, adornment, protection, and care thereof.

Appoint-  
ment of  
cemetery  
trustees.

SEC. 3. Whenever any village shall own, purchase, or otherwise acquire any cemetery or cemetery grounds, the council may appoint three trustees who shall be freeholders and electors in the village, and who, with the city clerk, shall constitute a "Board of Cemetery Trustees." The three trustees so appointed shall hold their offices for the term of three years, except that at the first appointment one shall be appointed for one year, one for two years, and one for the term of three years from the second Monday in April of the year when appointed, and annually thereafter one trustee shall be appointed. The council may remove any trustee so appointed, for inattention to his duties, want of proper judgment, skill, or taste for the proper discharge of the duties required of him, or other good cause. Said board shall serve without compensation.

Term of  
office.

Removals  
from office  
of trustee.



SEC. 4. The board of cemetery trustees shall appoint one of their number chairman, and the village clerk shall be clerk of the board. The council may, by ordinance, invest the board with such powers and authority as may be necessary for the care, management, and preservation of such cemetery and grounds, the tombs and monuments therein, and the appurtenances thereof; and in addition to the duties herein mentioned, the board shall perform such other duties as the council may prescribe.

SEC. 5. Said board, subject to the ordinances of the council, shall have the care and management of such cemetery or burial place or places. They shall direct the improvement of the grounds; cause the same to be laid out into lots, avenues, and walks; the lots to be numbered, and plats thereof to be made and recorded in the office of the village clerk. The board shall fix the price of lots and make the sales thereof. The conveyances of such lots shall be executed on behalf of the village by the clerk, and shall be recorded in his office at the expense of the purchasers.

SEC. 6. Said board shall appoint the necessary superintendents and employes for the cemetery; expend the money provided for the care and improvement of the grounds; enforce the ordinances of the village made for the management and care thereof; and make such regulations for the burial of the dead, and care and protection of the grounds, monuments, and appurtenances of the cemetery and the orderly conduct of persons visiting the grounds, as may be consistent with the ordinances of the village and the laws of the State.

SEC. 7. All moneys raised for any public cemetery authorized by this act, and all moneys received from the sale of lots therein, or otherwise therefrom, shall be paid into the village treasury, and constitute a fund to be denominated the "cemetery fund." Such fund shall not be diverted or applied to any other purpose, except the purposes of such cemetery. The

prevent the introduction of contagious diseases within the village and for the removal of persons from exposure thereto or other persons believed to be liable to communicate the disease to persons within the corporate limits, or to such persons within the village as the council safety may require.

Abatement  
of nuisances  
dangerous  
to health.

SEC. 2. The council shall have or abate all nuisances dangerous to the health of the village; and may require any person causing such nuisance, and the owner or premises upon or in which any such nuisance may be found, to remove the same, and within such time, and on such notice, and the council may by ordinance or resolution

Cleaning of  
any whole-  
some places.

SEC. 3. If any cellar, vault, lot, or premises within the village, shall be dangerous, filthy, or be covered during any season with stagnant or impure water, or shall produce offensive exhalations, the council may cause the same to be drained, filled up, cleansed, or removed, and the owner or occupant, or person in possession, or place, to perform such duty, or the council may require the owner or occupant of any building, fence, or structure, ruinous, or liable to fall and injure persons, or to remove the same; or the council may cause the same to be done by the proper officers of the village.

Removal of  
dangerous  
structures.

SEC. 4. If the owner or occupant of any building, fence, or structure, when required by the council or board of health to remove the same, or to abate or prevent the same, or to abate or prevent the same, or to abate or prevent the same, shall neglect so to do, and the council may cause the same to be done by the proper officers of the village, and the expense in causing the same to be done

Collection of  
expense of  
removals,  
etc., in cases  
of neglect.

debts and liabilities; he shall keep a complete set of books, exhibiting the financial condition of the corporation in all its departments, funds, resources, and liabilities, with a proper classification thereof, and showing the purpose for which each fund was raised; he shall record all official bonds of the village, in a book prepared for the purpose, and such record, or a certified copy of the same, shall be *prima facie* evidence of such bond and filing in all courts and places; he shall also keep an account with the treasurer, in which he shall charge him with all moneys received for each of the several funds of the village, and credit him with all warrants drawn thereon, keeping an account with each fund.

SEC. 8. The clerk shall report to the council, whenever Financial report, etc. required, a detailed statement of the receipts, expenditures, and financial condition of the village, of the debts to be paid, and moneys required to meet the estimated expenses of the corporation, and shall perform such other duties pertaining to his office as the council may require.

#### VILLAGE TREASURER.

SEC. 9. The village treasurer shall have the custody of all Duties of treasurer. moneys, bonds, mortgages, notes, leases, and evidences of value, belonging to the village. He shall receive all moneys belonging to and receivable by the corporation, and keep an account of all receipts and expenditures thereof. He shall pay no money out of the treasury, except in pursuance of and by authority of law, and upon warrants signed by the clerk and president, which shall specify the purpose for which the amounts thereof are to be paid. He shall keep an account of, and be charged with, all taxes and moneys appropriated, raised, or received for each fund of the corporation, and shall keep a separate account of each fund, and shall credit thereto all moneys raised, paid in, or appropriated therefor, and shall pay every warrant out of the particular fund raised for the purpose for which the warrant was issued, and having the name of such fund indorsed thereon by the clerk.

- Use of proper weights and measures.** *Nineteenth,* To enforce the keeping and use of proper weights and measures by venders;
- Vaults, cisterns, etc.** *Twentieth,* To regulate the construction, repair, and use of vaults, cisterns, areas, hydrants, pumps, sewers, and gutters;
- To prevent obscenity,** *Twenty-first,* To prohibit and prevent, in the streets, or elsewhere in the village, indecent exposure of the person, the show, sale, or exhibition for sale, of indecent or obscene pictures, drawings, engravings, paintings, and books or pamphlets, and all indecent or obscene exhibitions and shows of every kind;
- Bathing.** *Twenty-second,* To regulate or prohibit bathing in the rivers, ponds, streams and waters of the village;
- To preserve purity of streams, etc.** *Twenty-third,* To provide for clearing the rivers, ponds, and streams of the village, and the races connected therewith, of all drift-wood and noxious matter; and to prohibit and prevent the depositing therein of any filth or other matter tending to render the waters thereof impure, unwholesome, and offensive; and to compel owners of mill-races to cover and bridge the same whenever the public convenience may require;
- Relative to certain shops and offensive places.** *Twenty-fourth,* To compel the owner or occupant of any grocery, tallow-chandler shop, soap or candle factory, butcher-shop or stall, slaughter-house, stable, barn, privy, sewer, or other offensive, nauseous, or unwholesome place or house, to cleanse, remove, or abate the same whenever the council shall deem it necessary for the health, comfort, or convenience of the inhabitants of the village;
- To regulate the selling, etc., of nitro-glycerine, gunpowder, etc.** *Twenty-fifth,* To regulate the keeping, selling, and using of nitro-glycerine, dynamite, giant powder, gunpowder, fire-crackers and fireworks, and all other combustible or explosive materials, and the exhibition of fire-works, and the discharge of fire-arms, and to restrain the making or lighting of fires in the streets and other open spaces in the village;
- To regulate drains, cellars, etc.** *Twenty-sixth,* To direct and regulate the construction of cellars, slips, barns, private drains, sinks, and privies; to compel the owner or occupant to fill up, drain, cleanse, alter, relay or repair the same, or to cause the same to be done by

some proper officer of the corporation, and to assess the expenses thereof on the lot or premises having such cellar, slip, barn, private drain, sink or privy thereon ;

*Twenty-seventh*, To prohibit, prevent, and suppress mock-auctions, and every kind of fraudulent game, device, or practice, and punish all persons managing, using, practicing, or attempting to manage, use, or practice the same, and all persons aiding in the management or practice thereof ; To prevent fraudulent devices, etc.

*Twenty-eighth*, To prohibit, prevent, and suppress all lotteries for the drawing or disposing of money, or any other property whatsoever, and to punish all persons maintaining, directing, or managing the same, or aiding in the maintenance, direction, or managing the same ; To prevent lotteries.

*Twenty-ninth*, To license and regulate solicitors for passengers or for baggage for any hotel, tavern, public house, boat, or railroad ; also, draymen, carmen, truckmen, porters, runners, drivers of cabs, hackney coaches, omnibuses, carriages, sleighs, express vehicles, and vehicles of every other description, used and employed for hire, and to fix and regulate the amounts and rates of their compensation ; Relative to solicitors for passengers, etc.

*Thirtieth*, To provide for the protection and care of paupers, and to prohibit and prevent all persons from bringing to the village, from any other place, any pauper, or other person likely to become a charge upon the village, and to punish therefor ; Relative to paupers.

*Thirty-first*, To provide for taking a census of the inhabitants of the village, whenever the council may see fit ; and to direct and regulate the same ; Relative to taking census.

*Thirty-second*, And further : The council shall have authority to enact all ordinances, and to make all such regulations, consistent with the laws and constitution of the State, as they may deem necessary to the safety, order, and good government of the village, and the general welfare of the inhabitants thereof ; but no exclusive rights, privileges, or permits General authority to enact ordinances.

shall be granted by the council to any person or persons, or to any corporation, for any purpose whatever.

Granting of  
licenses.

Bond of  
licensee.

SEC. 2. The council may prescribe the terms and conditions upon which licenses may be granted, and may exact and require payment of such sum for any license as they may deem proper. The person receiving the license shall, before the issuing thereof, execute a bond to the corporation in such sum as the council may prescribe, with one or more sufficient sureties, conditioned for a faithful observance of the laws relating to the corporation and the ordinances of the council, and otherwise conditioned as the council may prescribe. Every license shall be revokable by the council at pleasure; and when any license shall be revoked for non-compliance with the terms and conditions upon which it was granted, or on account of any violation of any ordinance or regulation passed or authorized by the council, the person holding such license shall, in addition to all other penalties imposed, forfeit all payments made for such license.

Terms of  
licenses, and  
enforcing  
the taking  
out thereof.

SEC. 3. No license shall be granted for any term beyond the first Monday in June next thereafter, nor shall any license be transferable. And the council may provide for punishment by fine or imprisonment, or both, of any person who, without license, shall exercise any occupation or trade, or do anything for or in respect to which any license shall be required by any ordinance or regulation of the council.

Disposition  
of money re-  
ceived for  
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Power of  
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track, or the operating of any such road, except upon such terms and conditions.

SEC. 6. The council shall have power to compel any railroad <sup>Idem.</sup> company to construct street crossings in such manner, and with such protections to persons crossing thereat, as the council may require; and to keep them in repair; also, to require and compel said railroad companies to keep flagmen or watchmen at all railroad crossings of streets, and to give warning of the approach and passage of trains thereat, and to light such crossings during the night; to regulate and prescribe the speed of all locomotives and railroad trains within the village; but such speed shall not be required to be less than four miles per hour; and to impose a fine of not less than five nor more than fifty dollars, upon the company, and upon any engineer or conductor violating any ordinance regulating the speed of trains.

SEC. 7. The council shall have power to require and compel <sup>Idem.</sup> any railroad company, and any street railway company, to make, keep open and in repair, such ditches, drains, sewers, and culverts along and under, or across their railroad tracks, as may be necessary to drain their grounds and right of way properly, and in such manner as the council shall direct; and so that the natural drainage of adjacent property shall not be impeded. If any such railroad company or street railway company shall neglect to perform any such requirement, according to the direction of the council, the council may cause the work to be done at the expense of such company, and the amount of such expense may be collected at the suit of the village against the company, in a civil action, before any court having jurisdiction of the cause.

SEC. 8. The council is authorized to enact all such ordinances and laws as it may deem proper relative to the building, rebuilding, maintaining, and repairing of partition <sup>Partition fences.</sup> fences by the owners and occupants of adjoining lots, inclosures, and parcels of land in the village; and relative to the assigning to

Fence-view-  
ers.

the owners or occupants of such adjoining pieces of land, the portion of such partition fences to be maintained by them respectively; and may provide for the recording of such assignments and divisions when made; and may provide for the recovery of damages from any owner or occupant who shall fail to comply with the provisions and requirements of any ordinance relative to such partition fences. And the council may appoint fence-viewers, and prescribe their duties and mode of proceeding in all cases relating to partition fences in the village.

Support of  
poor.

SEC. 9. The council of any village may make such provisions as they shall deem expedient, for the support and relief of poor persons residing in the village; and for that purpose may provide by ordinance for the election or appointment of a director of the poor for the village, and may prescribe his duties and vest him with such authority as may be proper for the due exercise of his duties.

## CHAPTER XI.

### POLICE.

Provision  
for appoint-  
ment.

SECTION 1. The council of any village may provide for and establish a police force, and appoint from time to time such number of policemen and night watchmen as they shall deem expedient for the good government of the village and for the protection of the persons and property of the inhabitants; and they may authorize the president of the village, in cases of emergency and danger, to appoint, temporarily, such number of policemen as in his judgment the occasion may require.

Rules for  
government  
of, etc.

SEC. 2. The council shall make all necessary rules for the government of the police, and prescribe the powers and duties of policemen and watchmen; and they may invest them with such authority as may be necessary for the preservation of quiet and good order in the village.

Marshal  
chief of po-  
lice.

SEC. 3. The village marshal shall be chief of the police, and subject to the president, shall have the direction of the police



of the village. For the preservation of the peace the police and watchmen shall have all the powers given by law to constables. It shall be their duty to suppress all riots, disturbances, and breaches of the peace; to arrest persons fleeing from justice, to apprehend upon view any person found in the act of committing any offense against the laws of the State, or violating the ordinances of the village, and to take the offender before the proper magistrate or officer, to be punished; to make complaints before the proper magistrate of any person known or believed by them to be guilty of crime or any violation of the ordinances of the council; and to serve all process that may be delivered to them for that purpose; and generally to perform all such duties as may be required by the council for the good government of the village.

Powers and duties of policemen.

## CHAPTER XII.

### VILLAGE PRISON.

SECTION 1. The council shall have power to provide and maintain a village prison, and such watch or station houses as may be necessary, and may provide for the confinement therein of all persons liable to imprisonment or detention under the ordinances of the village, and for the employment of those imprisoned therein.

Provision for, and for imprisonment therein.

SEC. 2. All persons sentenced to confinement in such prison, and all persons imprisoned therein on execution for the non-payment of fines for violations of the ordinances of the village, may be kept at hard labor during the term of their imprisonment, either within or without the prison, under such regulations as the council may prescribe.

Prisoners may be kept at hard labor.

## CHAPTER XIII.

### PUBLIC HEALTH.

SECTION. 1. The council of any village may enact all such ordinances as may be deemed necessary for the preservation and protection of the health of the inhabitants thereof, and to

Provisions for protection of.

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Abatement  
of nuisances  
dangerous  
to health.

SEC. 2. The council shall have power to prevent and remove or abate all nuisances dangerous to life or health within the village; and may require any person, corporation, or company causing such nuisance, and the owner or occupant of any lot or premises upon or in which any such nuisance or cause of disease may be found, to remove or abate the same, upon such notice, and within such time, and in such manner as the council may by ordinance or resolution direct.

Cleansing of  
unwhole-  
some places.

SEC. 3. If any cellar, vault, lot, sewer, drain, place, or premises within the village, shall be damp, unwholesome, offensive, or filthy, or be covered during any portion of the year with stagnant or impure water, or shall be in such condition as to produce offensive exhalations, the council may cause the same to be drained, filled up, cleansed, or purified; or, may require the owner or occupant, or person in charge of such lot, premises, or place, to perform such duty; and may require the owner or occupant of any building, fence, or structure which may be ruinous, or liable to fall and injure persons or property, to pull down or remove the same; or the council may cause the same to be done by the proper officers of the village.

Removal of  
dangerous  
structures.

SEC. 4. If the owner or occupant of any lot or premises, when required by the council or board of health to remove any unsafe building or structure, or to cleanse, purify, or drain such lot or premises, or to abate or remove any nuisance therefrom, shall neglect so to do, and the council shall incur any expense in causing the same to be done, such expense may be

Collection of  
expense of  
removals,  
etc., in cases  
of neglect.

charged upon such lot or premises, and collected as a special assessment thereon.

SEC. 5. The council, when they shall deem it necessary, may from time to time assign, by ordinance, certain places for the exercising of any trade or employment offensive to the inhabitants, or dangerous to the public health; and may forbid the exercise thereof in places not so assigned; and may change or revoke such assignments at pleasure; and whenever a business carried on in any place so assigned, or in any other place in the village, shall become hurtful and dangerous to the health of the neighborhood, the council may prohibit the further exercise of such business or employment at such place.

Assignment of location, for carrying on offensive or dangerous business.

SEC. 6. The council may purchase the necessary lands, and erect thereon, or otherwise provide, one or more hospitals, either within or without the corporation, and provide for the appointment of the necessary officers and employes for the management thereof, and for the care and treatment therein, of such sick and diseased persons as to the council or board of health of the village shall seem proper; and, by direction of the council or board, persons having any malignant, infectious, or contagious disease, may be removed to such hospital, and there detained and treated, when the public safety may so require; and the council may provide such restraints and punishments as may be necessary to prevent any such person from departing from such hospital until duly discharged.

Establishment of hospitals and detention of persons having contagious diseases.

SEC. 7. The council of any village incorporated under this act, shall have and exercise all the powers and authority conferred upon boards of health by the general laws of the State, so far as the same are applicable; and they may enact such ordinances as may be necessary for regulating the proceedings and mode of exercising such powers.

Power of council the same as boards of health.

SEC. 8. When the council shall deem it necessary, they may establish a board of health for the village, and appoint officers therefor, and make rules for its government, and invest it with

Establishment of boards of health, and their authority.

such powers and authority as may be necessary for the protection and preservation of the health of the inhabitants.

## CHAPTER XIV.

### CEMETERIES.

Acquisition  
of, and regu-  
lations as to  
interments.

SECTION 1. Any village may acquire and hold such cemetery or public burial place or places, either within or without the limits of the corporation, as in the opinion of the council shall be necessary for the public welfare and suitable for the convenience of the inhabitants; and may prohibit the interment of the dead within the village, or may limit such interments therein to such cemetery or burial place as the council may prescribe; and the council may cause any bodies buried within the village in violation of any rule or ordinance made in respect to such burials, to be taken up and buried elsewhere.

Raising of  
money for  
purchase,  
improve-  
ment, etc.,  
of.

SEC. 2. The council may, within the limitations in this act contained, raise and appropriate such sums as may be necessary for the purchase of cemetery grounds, and for the improvement, adornment, protection, and care thereof.

Appoint-  
ment of  
cemetery  
trustees.

SEC. 3. Whenever any village shall own, purchase, or otherwise acquire any cemetery or cemetery grounds, the council may appoint three trustees who shall be freeholders and electors in the village, and who, with the city clerk, shall constitute a "Board of Cemetery Trustees." The three trustees so appointed shall hold their offices for the term of three years, except that at the first appointment one shall be appointed for one year, one for two years, and one for the term of three years from the second Monday in April of the year when appointed, and annually thereafter one trustee shall be appointed. The council may remove any trustee so appointed, for inattention to his duties, want of proper judgment, skill, or taste for the proper discharge of the duties required of him, or other good cause. Said board shall serve without compensation.

Term of  
office.

Removals  
from office  
of trustee.

SEC. 4. The board of cemetery trustees shall appoint one of <sup>Organization and powers</sup> their number chairman, and the village clerk shall be clerk of <sup>of board.</sup> the board. The council may, by ordinance, invest the board with such powers and authority as may be necessary for the care, management, and preservation of such cemetery and grounds, the tombs and monuments therein, and the appurtenances thereof; and in addition to the duties herein mentioned, the board shall perform such other duties as the council may prescribe.

SEC. 5. Said board, subject to the ordinances of the council, shall have the care and management of such cemetery or burial <sup>Care, laying out, and improvement of grounds.</sup> place or places. They shall direct the improvement of the grounds; cause the same to be laid out into lots, avenues, and walks; the lots to be numbered, and plats thereof to be made and recorded in the office of the village clerk. The board <sup>Sale of lots.</sup> shall fix the price of lots and make the sales thereof. The conveyances of such lots shall be executed on behalf of the village by the clerk, and shall be recorded in his office at the expense of the purchasers.

SEC. 6. Said board shall appoint the necessary superintend- <sup>Appoint-ment of superintend-ent, etc., expenditure of money, and care of grounds.</sup> ents and employes for the cemetery; expend the money pro- vided for the care and improvement of the grounds; enforce the ordinances of the village made for the management and care thereof; and make such regulations for the burial of the dead, and care and protection of the grounds, monuments, and appurtenances of the cemetery and the orderly conduct of persons visiting the grounds, as may be consistent with the ordinances of the village and the laws of the State.

SEC. 7. All moneys raised for any public cemetery authorized <sup>Cemetery fund.</sup> by this act, and all moneys received from the sale of lots therein, or otherwise therefrom, shall be paid into the village treasury, and constitute a fund to be denominated the "ceme- tery fund." Such fund shall not be diverted or applied to any other purpose, except the purposes of such cemetery. The

Report of  
board.

board of trustees shall report to the council annually, and oftener when so required, the amount of all moneys received into and owing to the cemetery fund, and from what sources; the amount and purpose of all expenditures made on account of the cemetery, and such other matters as the council shall require to be reported.

General au-  
thority over  
cemeteries.

SEC. 8. The council of any village, owning a public burial ground or cemetery, whether within or without the village, may pass and enforce all ordinances necessary to carry into effect the provisions herein, and to control and regulate such cemetery and the improvement thereof, and to protect the same from injury, and to punish violations of any lawful orders and regulations made by the board of cemetery trustees.

Protection  
of church  
cemeteries,  
etc.

SEC. 9. The council shall have power also to pass all ordinances deemed necessary for the preservation and protection of any cemetery or burial place within the village belonging to or under the control of any church, religious society, corporation, company, or association, and for the protection and preservation of the tombs, monuments, and improvements thereof.

## CHAPTER XV.

### POUNDS.

Pounds,  
pound-mas-  
ters, and  
impounding  
of animals.

SECTION 1. The council may provide and maintain one or more pounds within the village, and may appoint pound-masters, prescribe their powers and duties, and fix their compensation; and may authorize the impounding of all beasts, geese, and other fowls found in the streets or otherwise at large, contrary to any ordinance of the village; and if there shall be no pound or pound-master, they may provide for the impounding of such beasts, geese, and fowls, by the village marshal, in some suitable place under his immediate care and inspection, and may confer on him the powers and duties of pound-master.

SEC. 2. The council may also prescribe the fees for impounding, and the amount or rate of expenses for keeping, and the charges to be paid by the owner or keeper of the beasts, geese, or fowls impounded; and may authorize the sale of such beasts, geese, and fowls for the payment of such fees, expenses, and charges, and for penalties incurred, and may impose penalties for rescuing any beast or thing impounded.

Fees, charges, penalties, and sales.

## CHAPTER XVI.

### HARBORS, WHARVES, AND HARBOR-MASTERS.

SECTION 1. The council of any village located upon or adjacent to any of the navigable waters of the State, shall have the power to establish, construct, maintain, and control public wharves, docks, piers, landing places, and levees, upon any lands or property belonging to or under the control of the village; and the council may lease wharfing and landing privileges upon any of the public wharves, docks, or landings, but not for a longer time than five years, and in such manner as to preserve the right of all persons to a free passage over the same with their baggage.

Wharves, docks, etc.; establishment and control of.

SEC. 2. The council shall have authority also to require and cause all docks, wharves, and landings, whether upon public grounds, or upon the property of private individuals, to be constructed and maintained in conformity with such grade as may be established therefor by the council, and to prescribe the line beyond which any such wharf, dock, or landing shall not be constructed or maintained.

Grade and limit for construction of.

SEC. 3. The council shall have authority to prohibit the encumbering of the public wharves and landings, and to regulate the use of all wharves, docks, and landing places within the village; regulate the use and location of wharf-boats; and to regulate and prescribe the rates and charges for landing, wharfage, and dockage at all public and private wharves, docks, and landings, and to collect wharfage and dockage from boats,

Regulations relative to the use of.

Report of  
board.

board of trustees shall report to the council annually, and oftener when so required, the amount of all moneys received into and owing to the cemetery fund, and from what sources; the amount and purpose of all expenditures made on account of the cemetery, and such other matters as the council shall require to be reported.

General au-  
thority over  
cemeteries.

SEC. 8. The council of any village, owning a public burial ground or cemetery, whether within or without the village, may pass and enforce all ordinances necessary to carry into effect the provisions herein, and to control and regulate such cemetery and the improvement thereof, and to protect the same from injury, and to punish violations of any lawful orders and regulations made by the board of cemetery trustees.

Protection  
of church  
cemeteries,  
etc.

SEC. 9. The council shall have power also to pass all ordinances deemed necessary for the preservation and protection of any cemetery or burial place within the village belonging to or under the control of any church, religious society, corporation, company, or association, and for the protection and preservation of the tombs, monuments, and improvements thereof.

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pound-mas-  
ters, and  
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SEC. 2. The council may also prescribe the fees for impounding, and the amount or rate of expenses for keeping, and the charges to be paid by the owner or keeper of the beasts, geese, or fowls impounded; and may authorize the sale of such beasts, geese, and fowls for the payment of such fees, expenses, and charges, and for penalties incurred, and may impose penalties for rescuing any beast or thing impounded.

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Wharves, docks, etc.; establishment and control of.

SEC. 2. The council shall have authority also to require and cause all docks, wharves, and landings, whether upon public grounds, or upon the property of private individuals, to be constructed and maintained in conformity with such grade as may be established therefor by the council, and to prescribe the line beyond which any such wharf, dock, or landing shall not be constructed or maintained.

Grade and limit for construction of.

SEC. 3. The council shall have authority to prohibit the encumbering of the public wharves and landings, and to regulate the use of all wharves, docks, and landing places within the village; regulate the use and location of wharf-boats; and to regulate and prescribe the rates and charges for landing, wharfage, and dockage at all public and private wharves, docks, and landings, and to collect wharfage and dockage from boats,

Regulations relative to the use of.

water-craft, and floats landing at or using any public landing place, wharf, or dock within the village.

Relative to  
preservation  
of purity of  
waters of  
harbors and  
control of  
boats, etc.,  
thereon.

SEC. 4. The council shall have authority to provide by ordinance for the preservation of the purity of the waters of any harbor, river, or other waters within the village, to control and regulate the anchorage, moorage, and management of all boats, water craft, and floats within the jurisdiction of the village; and to regulate and prescribe by such ordinances, or through a harbor-master or other officer, such location of any boat, craft, vessel, or float, and such changes of station in and use of the harbor as may be required to promote order therein.

Tugs, rates  
for towage,  
and opening  
of bridges.

SEC. 5. The council may also license and regulate the use of tugs, and prescribe the rates and charges for towage within the harbor or other waters of the village, and regulate the opening and passage of bridges.

Harbor  
masters.

SEC. 6. The council may also appoint a harbor-master, wharf-masters, and such other officers as may be necessary for the enforcement of all such ordinances and regulations as they may lawfully enact, in respect to and over the navigable waters and harbors in the village, and prescribe the duties of such officers.

## CHAPTER XVII.

### FERRIES.

Regulation  
and licens-  
ing of.

SECTION 1. The council of any village may regulate and license ferries from such village, or any place or landing therein, to the opposite shore, or from one part of the village to another; and may require the payment of such reasonable sum for such license as to the council shall seem proper; and may impose such reasonable terms and restrictions, in relation to the keeping and management of ferries, and the time, manner, and rates of carriage and transportation of persons and property as may be proper, and may provide for the revocation of any such license, and for the punishment, by proper fines and penalties, for violations of any ordinance prohibiting unlicensed ferries, or regulating those established and licensed.

CHAPTER XVIII.

MARKETS.

SECTION 1. The council of any village shall have the power to erect market-houses, establish and regulate markets and market-places, for the sale of meats, fish, vegetables, and other provisions and articles necessary for the sustenance and convenience of the inhabitants ; to prescribe the times for opening and closing the same ; the kind and description of articles which may be sold ; and the stands and places to be occupied by the venders.

Erection and regulation of market houses, etc.

SEC. 2. The council may adopt and enforce such regulations as may be necessary to prevent fraud and to preserve order in the markets ; and may authorize the immediate arrest, and removal from the market, of any person violating such regulations, together with any articles in his possession ; and may authorize the seizure and destruction of tainted or unsound meats, or other provisions exposed for sale therein, or elsewhere in the village.

Rules to prevent fraud, etc., and to preserve order.

CHAPTER XIX.

PUBLIC BUILDINGS, GROUNDS, AND PARKS.

SECTION 1. Any village may acquire, purchase, and erect such public buildings as may be required for the use of the corporation, and may purchase, appropriate, and own such real estate as may be necessary for public grounds, parks, markets, public buildings and other purposes necessary or convenient for the public good, and for the execution of the powers conferred in this act ; and such buildings and grounds, or any part thereof, may be sold, leased, mortgaged, and disposed of as occasion may require.

Acquisition and disposition of.

SEC. 2. When the council shall deem it for the public interest, grounds and buildings for a village prison, hospital, pest-house, cemetery, and water-works, may be purchased, erected, and maintained beyond the corporate limits of the village ; and in such cases the council shall have authority to enforce

Relative to prisons, hospitals, pest-houses, cemeteries, and water-works outside of village limits.

beyond the corporate limits of the village, and over such lands, buildings, and property, in the same manner and to the same extent as if they were within the village, all such ordinances and police regulations as may be necessary for the care and protection thereof, and for the management and control of the persons kept or confined in such prison, pest-house, or hospital.

Public  
parks.

SEC. 3. The council shall have authority to lay out, establish, and enlarge, or vacate, and discontinue public parks and grounds within the village, and to improve, light, and ornament the same, and to regulate the use thereof, and to protect the same and the appurtenances thereof from obstruction, encroachment, and injury.

## CHAPTER XX.

### SEWERS, DRAINS, AND WATER-COURSES.

Establish-  
ment and  
construction

SECTION 1. The council of any village may establish, construct, and maintain sewers and drains whenever and wherever necessary, and of such dimensions and materials, and under such regulations as they may deem proper for the drainage of the village; and private property, or the use thereof, may be taken therefor in the manner prescribed in this act for taking such property for public use. But in all cases where the council shall deem it practicable, such sewers and drains shall be constructed in the public streets and grounds.

Board of  
sewer com-  
missioners.

SEC. 2. If the council shall deem it expedient, they may establish a board of sewer commissioners for the village, consisting of not less than three, nor more than five persons, to have the management of the sewers and the charge of their construction; and may prescribe by ordinance the powers, duties, terms of office, and compensation of the commissioners.

Expense of  
constructing  
how paid.

SEC. 3. The expense of constructing sewers and drains may be paid by general tax upon all the taxable property in the village; or, such expense may be defrayed by special assessment upon the lands and premises benefited by the drainage, in proportion to the benefits resulting to each lot or parcel of

land respectively ; or, such part of the expense as the council shall determine, may be defrayed by special assessments, and the remainder may be paid by general tax.

SEC. 4. Before proceeding to the construction of any sewer, drain, or water-course, the expense, or any part of the expense of which is to be defrayed by special assessment, the council shall cause a map to be made of those lands and premises which in their opinion will be benefited by the drainage, and which they intend to assess for the cost of the sewer or drain. Said lands shall constitute a sewer district ; and said map shall show the boundaries and divisions of all the lots and premises in the district, and the proposed route and location of the sewer through the same ; also its depth, grade, and dimensions. Said map, with an estimate of the cost of the proposed work, shall be deposited with the village clerk, and notice shall be given by publication in a newspaper of the village for two weeks, or by posting copies of such notice in three public places in the village, of the intention to construct the sewer or drain, and where the map and estimates aforesaid can be found, and appointing a time when the council will meet to hear any suggestions and objections from persons interested or liable to be assessed for the work.

Map of location and estimate of cost.

Where deposited.

Notice of intention to construct.

SEC. 5. When the council shall determine to construct any such sewer, drain, or water-course, they shall so declare by resolution, designating the lands or district to be assessed, and describing by reference to the map and diagram mentioned in the preceding section, the route, location, depth, grade, and dimensions of the work, and shall state in the same resolution what part of the expense, if any, is to be paid by general tax, and what part by special assessment, according to the benefits ; such map and diagram as adopted shall be recorded by the clerk in a book of sewer records.

Determination and apportionment of expenses declared by resolution.

Record of map.

SEC. 6. Special assessments for the purposes aforesaid, shall be made in the manner provided in chapter twenty-three of this act.

Special assessments, how made.

Private  
drains.

SEC. 7. Whenever the council shall deem it necessary for the public health, they may require the owners and occupants of lots and premises to construct private drains therefrom to connect with some public sewer or drain, and thereby to drain such lots and premises; and to keep such private drains in repair and free from obstruction and nuisance; and if such private drains are not constructed and maintained according to such requirement, the council may cause the work to be done at the expense of such owner or occupant, and the amount of such expense shall be a lien upon the premises drained, and may be collected by special assessment to be levied thereon.

Connection  
of premises  
with public  
sewers.

SEC. 8. The owners and occupants of lots and premises shall have the right to connect the same at their own expense, by means of private drains, with the public sewers and drains, under such rules and regulations as the council shall prescribe.

Owners of  
such premi-  
ses subject  
to an annual  
charge.

SEC. 9. The council may charge and collect annually from persons whose premises are connected by private drains with the public sewers, such reasonable sum, not exceeding two dollars per year, as they may deem just, in proportion to the amount of drainage through such private drain; and such charge shall be a lien upon the premises, and may be collected by special assessment thereon.

Special as-  
sessment for  
ditches, etc.

SEC. 10. Such part of the expenses of providing ditches and improving water-courses, as the council shall determine, may be defrayed by special assessment upon the lands and premises benefited thereby in proportion to such benefits.

Expense of  
repairing  
and recon-  
structing.

SEC. 11. The expenses of repairing public sewers, ditches, and water-courses may be paid by general tax. The expenses of reconstructing public sewers shall be defrayed in the manner herein prescribed for paying the expenses of the construction thereof.

Ordinances  
for pro-  
tection of  
public drains  
etc.

SEC. 12. The council may enact such ordinances as may be necessary for the protection and control of the public drains and sewers, and to carry into effect the powers herein conferred in respect to the drainage of the village.

## CHAPTER XXI.

## STREETS.

SECTION 1. The council shall have supervision and control of all public highways, bridges, streets, avenues, alleys, side-walks, and public grounds within the village, and shall cause the same to be kept in repair and free from nuisance. Control and repairing of.

SEC. 2. But the village shall not be responsible for the care, improvement, or repair of any street or alley laid out or dedicated to public use by the proprietors of any lands which had not been actually accepted, worked, and used by the public as a street or alley before the incorporation of the village under this act, nor for the improvement and repair of any street or alley laid out or dedicated by any such proprietor after such incorporation, unless the dedication shall be accepted and confirmed by the council by an ordinance specially passed for that purpose. Care of streets not accepted by council.

SEC. 3. The council shall have authority to lay out, open, widen, extend, straighten, alter, close, vacate, or abolish any highway, street, or alley in the village, whenever they shall deem the same a public improvement; and if in so doing it shall be necessary to take or use private property, the same may be taken in the manner in this act provided for taking private property for public use. The expense of such improvement, except the amounts paid for private property taken for public streets, may be paid by special assessments upon the property adjacent to, or benefited by such improvement, in the manner in this act provided for levying and collecting special assessments; or in the discretion of the council, a portion of such costs and expenses may be paid by special assessments as aforesaid, and the balance from the general highway fund. Laying out, altering, or vacating streets. Expense of, how paid.

SEC. 4. When the council shall deem it advisable to vacate, discontinue, or abolish any street, alley, or public ground, or any part thereof, they shall by resolution so declare, and in Vacating of streets.

Notice of meeting to hear objections.

Filing of objections with village clerk.

Survey of streets, etc., and recording of same.

Record of ordinances vacating streets.

Street grades and making of adjacent improvements.

Record of grade or change thereof.

the same resolution shall appoint a time, not less than four weeks thereafter, when they will meet and hear objections thereto; notice of such meeting with a copy of said resolution shall be given in such manner as shall be prescribed by ordinance. Objections to such proposed action of the council may be filed with the village clerk in writing, and if any such shall be filed, the street, alley, or public ground, or any part thereof, shall not be vacated or discontinued, except by a concurring vote of five of the trustees.

SEC. 5. The council may cause all public streets, alleys, and public grounds to be surveyed, and may determine and establish the boundaries thereof, and cause the surveys and description thereof to be recorded in the office of the village clerk, in a book of street records; and they shall cause surveys and descriptions of all streets, alleys, and public grounds opened, laid out, altered, extended, or accepted and confirmed by them, to be recorded in like manner; and such record shall be *prima facie* evidence of the existence of such streets, alleys, or public grounds as in the records described. Every resolution or ordinance discontinuing or vacating any street, alley, or public ground, shall also be recorded in said book of street records, and the records shall be *prima facie* evidence of all matters therein set forth.

SEC. 6. The council shall have authority to determine and establish the grade of all streets, avenues, alleys, and public grounds within the village, and to require improvements and buildings adjacent to or abutting upon such streets, alleys, or grounds, to be made and constructed in conformity with such grade; and the council may change or alter the grade of any street, alley, or public ground, or of any part thereof, whenever, in their opinion, the public convenience will be promoted thereby. Whenever a grade shall be established or altered, a record and diagram thereof shall be made in the book of street records in the office of the village clerk.



SEC. 7. Whenever any street, alley, or public highway shall have been graded, or pavements shall have been constructed in conformity to grades established by authority of the village, and the expense thereof shall have been assessed upon lots or land bounded by or abutting upon such street, alley, or public highway, the owner or owners of such lots or land shall not be subject to any special assessment, occasioned by any subsequent change of grade in such pavement, street, alley, or public highway, unless such change be asked for by a majority of the owners of such lots or land; but the expense of all improvements occasioned by such change of grade shall be chargeable to, and paid by the village.

Expense attending change of grade.

PAVING AND IMPROVEMENTS.

SEC. 8. The council shall have authority to construct and maintain bridges and culverts where needed; and to grade, pave, curb, gravel, plank, and otherwise improve and repair the highways, streets, lanes, avenues, and alleys of the village.

Authority for.

SEC. 9. The expense of constructing and maintaining bridges, and the whole, or such part as the council shall determine, of the expense of improving and working upon the streets and highways, may be paid from the general highway fund, to be raised by tax upon all the property in the village; or, the village may be divided into street districts, and a part of the whole expense of improving and working the streets in each district may be paid from a street district fund, to be raised by a tax upon the property in the district. The expenses of grading, paving, graveling, and planking any street may be defrayed by a special assessment upon the lots and premises abutting upon such improvement, in proportion to their number of feet front upon the street; or a part of such expense may be so paid, and the remainder may be paid from the general highway fund, or from the street district fund, as the council may decide. The lots and premises to be assessed according to their frontage upon a street improvement as aforesaid, shall constitute a special assessment district. The

Apportionment of the expense.

“Paving”  
defined.

term “paving” shall include curbing and the construction of cross-walks in the paved streets.

Payment of  
proportion-  
ate expense  
for public  
property  
fronting im-  
provements  
and for  
street cross-  
ings.

SEC. 10. When expenses for any such improvement shall be assessed in a special assessment district, and there shall be lands belonging to the village, school buildings, or other public buildings or public grounds not taxable, fronting upon such improvement, such part of the expense of such improvements as in the opinion of the council or board of assessors making the special assessment would be justly apportionable to such public grounds, buildings, and city property, and to any interior squares or spaces formed by the intersection of streets, were they taxable, shall be paid from the general highway fund, and the balance of such expenses shall be assessed upon the taxable lots and premises included in the special assessment district, in proportion to their number of feet frontage upon

Exception to  
rule of as-  
sessing in  
proportion  
to frontage.

such improvement. When such assessment is to be made upon lots in proportion to their frontage upon the improvement, if from the shape or size of any lot an assessment thereon in proportion to its frontage would be unjust and disproportionate to the assessments upon other lots, the council or board of assessors making the assessment may assess such lot for such number of feet frontage as in their opinion will be just.

#### STREET REGULATIONS.

Obstructions  
in, and en-  
croachments  
upon streets,  
etc.

SEC. 11. The council shall have power to prohibit and prevent obstructions and incumbrances in, and encroachments upon, the public highways, streets, and alleys of the village, and to remove the same; and to punish those who shall obstruct, encumber, encroach, or maintain any encroachments, upon or in any such highway, street, or alley; and to require all such persons to remove every such obstruction, incumbrance and encroachment.

Shade trees  
and street  
lights.

SEC. 12. The council may provide for and regulate the planting of shade and ornamental trees in the public highways, streets, and avenues of the village, and for the protection

thereof; and may light the streets and public places, and regulate the setting of lamps and lamp-posts therein, and protect the same.

SEC. 13. The council may regulate the making of all open-ings in, and removals of, the soil of public streets, for the laying or repair of sewers, drains, tunnels, gas-pipes, water-pipes, or for any other purpose; and may prohibit and prevent all such openings and removals of the soil, except by express permission of the council, and at such times and upon such terms and regulations as they may prescribe.

Digging in streets for laying of sewers, gas-pipes, etc.

SEC. 14. The council may regulate the use of public highways, streets, avenues, and alleys of the village, subject to the right of travel and passage therein. They shall have authority to prescribe the stands for all vehicles kept for hire, or used for the transportation of persons or property for hire; to designate the places where loads of wood, coal, hay, and other articles may stand for sale; to regulate traffic and sales in the streets and upon sidewalks; to regulate or prohibit the display, use, or placing of signs, advertisements, banners, awnings, posts and telegraph poles in, or over the streets; to prohibit immoderate riding and driving in the streets or over bridges; to regulate or prohibit all such sports, amusements, proceedings, and gatherings of crowds in the streets as may interfere with the lawful use thereof, or render travel or passage therein inconvenient or unsafe; to prohibit and prevent the running at large of horses, cattle, swine, dogs, geese, and other domestic animals or fowls, in the streets, or elsewhere in the village, and to impose penalties upon the owners or keepers thereof permitting the same, and to require or authorize the destruction of dogs found at large contrary to the ordinances of the village; to cleanse and purify the streets; and to prohibit, prevent, remove, and abate all nuisances therein, and to require the authors and maintainers thereof to remove the same and to punish them; and generally to prescribe and enforce all such police regulations, over and in respect to the

Regulations as to use of streets.

Stands for vehicles.

Wood and hay markets etc.

Signs, etc.

Immoderate driving.

Gathering of crowds.

Running at large of animals and fowls.

Cleaning of streets and removing of nuisances.

General police authority over streets.

public streets as may be necessary to secure good order and safety to persons and property in the lawful use thereof, and to promote the general welfare; and in addition to all other powers herein granted, the council shall have the same authority and powers over and in respect to the public streets of the village as are conferred by law upon highway commissioners in townships.

## CHAPTER XXII.

### SIDEWALKS.

Construc-  
tion, etc.,  
and expense  
thereof.

SECTION 1. The council shall have control of all sidewalks in the public streets and alleys of the village, and may prescribe the grade thereof, and change the same when deemed necessary. They shall have power to construct and maintain sidewalks and cross-walks in the public streets and alleys, and charge the expense thereof upon the lots and premises adjacent to and abutting upon such walks.

Idem.

SEC. 2. The council shall also have authority to require the owners and occupants of lots and premises to construct and maintain sidewalks in the public streets adjacent to and abutting upon such lots and premises, and to keep them in repair at all times, and to construct and lay the same upon such lines and grades, and of such width, materials, and manner of construction, and within such lines [time] as the council shall, by ordinance or resolution, prescribe, and to keep the same free from obstructions, snow, ice, filth, or any nuisance.

Proceedings  
in case of  
neglect.

SEC. 3. If the owner or occupant of any lot or premises shall fail to construct or maintain any particular sidewalk as mentioned and prescribed in the last section, or shall fail to keep the same free from obstructions, incumbrances, or other nuisance, the council may cause the same to be done, and such sidewalk to be constructed or repaired at the expense of such owner or occupant, and the amount of all expenses incurred by the council thereby shall be levied as a special assessment upon the lot or premises adjacent to and abutting upon such sidewalk.

Expense a  
tax on prop-  
erty.

SEC. 4. The council shall have power to regulate and prohibit the placing of signs, awnings, awning posts, and of other things upon or over sidewalks, and to regulate or prohibit the construction and use of openings in the sidewalks, and of all vaults, structures, and excavations under the same.

## CHAPTER XXIII.

### COST OF IMPROVEMENTS—SPECIAL ASSESSMENTS.

SECTION 1. The cost and expense of the following improvements, including the necessary lands therefor, viz.: For public buildings and offices for the use of the village officers, engine-houses [and] structures for the fire department, for water-works, market-houses and spaces, cemeteries and parks, watch-houses, village prisons and work-houses, lands appropriated for streets and rights of ways, and public wharves and landings upon navigable waters, levees and embankments, shall be paid from the proper general funds of the village. When, by the provisions of this act, the cost and expenses of any local or public improvement may be defrayed in whole or in part by special assessment upon lands abutting upon and adjacent to, or otherwise benefited by the improvement, such assessment may be made as in this chapter provided.

SEC. 2. There shall be a board of assessors in every village, consisting of three members, who shall be freeholders and electors in the village, to be appointed by the council. The compensation shall be prescribed by the council. Special assessments, authorized by this act, shall be made by such board. If a member of the board shall be interested in any special assessment directed by the council, they shall appoint some other person to act in his stead in making the assessment, who, for the purposes of that assessment, shall be a member of the board.

SEC. 3. When the council shall determine to make any public improvement and defray the whole or any part of the cost and expenses thereof by special assessment, they shall so declare

Signs, awnings, etc.

Certain improvements, to be paid for from general fund

Making of special assessments.

Board of assessors, their compensation and duties.

Amount of special assessment to be declared by resolution of council.

by resolution stating the improvement, and what part or proportion of the expenses thereof shall be paid by special assessment, and what part, if any, from the general funds of the village, or from street district funds, and shall designate the district or lands and premises upon which the special assessments shall be levied.

Estimates,  
plats, etc.,  
deposited  
with clerk.

Notice  
thereof and  
of meeting  
to consider  
objections.

SEC. 4. Before ordering any public improvement, any part of the expense of which is to be defrayed by special assessment, the council shall cause estimates of the expense thereof to be made, and also plats and diagrams, when practicable, of the work and of the locality to be improved, and deposit the same with the village clerk for public examination; and they shall give notice thereof and of the proposed improvement or work, and of the district to be assessed, by publication for two weeks at least in one of the newspapers of the village, or by posting notices in three public places in the village and of the time when the council will meet and consider any objections thereto.

What costs  
and expense  
shall include  
and per cent  
of special  
assessments

SEC. 5. The costs and expenses of any improvement which may be defrayed by special assessment shall include the costs of surveys, plans, assessments, and costs of construction. In no case shall the whole amount to be levied by special assessment upon any lot or premises for any one improvement exceed twenty-five per cent of the value of such lot or land, as valued and assessed for State and county taxation in the last preceding tax-roll. Any cost exceeding that per cent, which would otherwise be chargeable on such lot or premises, shall be paid from the general funds of the village.

Special as-  
sessments,  
when levied.

SEC. 6. Special assessments, to defray the estimated cost of any improvement, shall be levied before the making of the improvement.

Directions  
to board of  
assessors as  
to special as-  
sessments.

SEC. 7. When any special assessment is to be made *pro rata* upon the lots and premises in any special district, according to frontage or benefits, the council shall, by resolution, direct the same to be made by the board of assessors: and shall state

therein the amount to be assessed, and whether according to frontage or benefits; and describe or designate the lots and premises, or locality constituting the district to be assessed.

SEC. 8. Upon receiving such order and directions, the board of assessors shall make out an assessment roll, entering and describing therein all the lots, premises, and parcels of land to be assessed, and the valuation thereof, with the names of the persons, if known, chargeable with the assessments thereon; and shall levy thereon and against such persons the amount to be assessed, in the manner directed by the council and the provisions of this act, applicable to the assessment; and when such assessment is completed, they shall report the same to the council.

SEC. 9. If the assessment is required to be according to frontage, they shall assess to each lot or parcel of land such relative portion of the whole amount to be levied as the length and [of] front of such premises abutting upon the improvement bears to the whole frontage of all the lots to be assessed, unless on account of the shape or size of any lot, an assessment for a different number of feet would be more equitable. If the assessment is directed to be according to benefits, they shall assess upon each lot such relative portion of the whole sum to be levied as shall be proportionate to the estimated benefit resulting to such lot from the improvement.

SEC. 10. When any expense shall be incurred by the village upon or in respect to any separate or single lot, parcel of land, or premises, which by the provisions of this act the council is authorized to charge and collect as a special assessment against the same, and not being of that class of special assessments required to be made *pro rata* upon several lots or parcels of land in an assessment district an account of the labor or services for which such expense was incurred, verified by the officer or person performing the labor or services, with a description of the lot or premises upon or in respect to which the expense was incurred, and the name of the owner or per-

son chargeable therewith, shall be reported to the council in such manner as the council shall prescribe.

Determina-  
tion of pro-  
portion of  
expense  
chargeable  
against indi-  
vidual lots.

Reported by  
clerk to as-  
sessors.

SEC. 11. The council shall determine what amount or part of every such expense shall be charged, and the person, if known, against whom, and the premises upon which the same shall be levied as a special assessment; and as often as the council shall deem it expedient they shall require all of the several amounts so reported and determined, and the several lots or premises, and the persons chargeable therewith respectively, to be reported by the clerk to the board of assessors for assessment.

Special as-  
sessment  
roll in acor-  
dance there-  
with.

Reported to  
council.

SEC. 12. Upon receiving the report mentioned in the preceding section, the board of assessors shall make a special assessment roll, and levy as a special assessment therein upon each lot or parcel of land so reported to them, and against the person chargeable therewith, if known, the whole amount or amounts of all the charges so directed to be levied upon each of such lots or premises respectively, and when completed they shall report the assessment to the council.

Filed with  
clerk.

Notice of  
meeting to  
review as-  
sessment.

Objections  
filed with  
clerk.

SEC. 13. When any special assessment shall be reported by the board of assessors to the council, as in this chapter directed, the same shall be filed in the office of the village clerk, and numbered. Before adopting the assessment, the council shall cause notice to be published for two weeks at least in some newspaper of the village, or to be posted in three public places for the same length of time, of the filing of the same with the clerk, and appointing a time when the council and board of assessors will meet to review the assessment. Any person objecting to the assessment may file his objections thereto in writing with the clerk.

Review, cor-  
rection, and  
disposition  
of roll.

SEC. 14. At the time appointed for that purpose as aforesaid, the council and board of assessors shall meet, and there, or at some adjourned meeting, review the assessment; and the council shall correct the same if necessary and confirm it as reported or as corrected; or they may refer the assessment



back to the board for revision ; or annul it and direct a new assessment, in which case the same proceedings shall be had as in respect to the previous assessment. When a special assessment shall be confirmed, the village clerk shall indorse a certificate thereof upon the roll showing the date of confirmation.

Certificate of date of confirmation of assessment.

SEC. 15. When any special assessment shall be confirmed by the council, it shall be final and conclusive ; but no such assessment shall be confirmed, except by the concurrence of two-thirds of the trustees elect.

Confirmation final. Vote thereon

SEC. 16. All special assessments shall, from the date of the confirmation thereof, constitute a lien upon the respective lots or parcels of land assessed, and shall be a charge against the persons to whom assessed until paid.

Assessments a lien on land and charge against persons.

SEC. 17. Upon the confirmation of any special assessment, the amount thereof may be divided into not more than five installments, one of which shall be collected each year at such time as the council shall determine, with annual interest at a rate not exceeding eight per cent.

Divided into installments

SEC. 18. All special assessments, except such installments thereof as the council shall make payable at a future time as provided in the preceding section, shall be due and payable upon confirmation.

First installment due upon confirmation.

SEC. 19. If any special assessment shall be divided into installments, a special assessment roll shall be made for each installment as the same shall become due, with the accrued interest upon all unpaid installments included and assessed therein. Such special rolls may be made and confirmed without notice to the persons assessed.

Special assessment roll for each installment.

SEC. 20. Should any lots or lands be divided after a special assessment thereon has been confirmed and divided into installments, and before the collection of all the installments, the council may require the board of assessors to apportion the uncollected amounts upon the several parts of lots and lands so divided. The report of such apportionment, when confirmed

Apportionment in case of division of land.

by the council shall be conclusive upon all the parties and all assessments thereafter made upon such lots or lands shall be according to such division.

Additional assessments to supply deficiency.

SEC. 21. Should any special assessment prove insufficient to pay for the improvement or work for which it was levied, and the expenses incident thereto, the council may, within the limitations prescribed for such assessments, make an additional *pro rata* assessment to supply the deficiency; and in case a larger amount shall have been collected than was necessary, the excess shall be refunded ratably to those by whom it was paid.

Surplus refunded.

New assessments to be made in case of irregularity.

SEC. 22. Whenever any special assessment shall, in the opinion of the council, be invalid by reason of irregularity or informality in the proceedings, or if any court of competent jurisdiction shall adjudge such assessment to be illegal, the council shall, whether the improvement has been made or not, or whether any part of the assessments have been paid or not, have power to cause a new assessment to be made for the same purpose for which the former assessment was made. All the proceedings on such re-assessment and for the collection thereof shall be conducted in the same manner as provided for the original assessment, and whenever any sum or any part thereof, levied upon any premises in the assessment so set aside, has been paid and not refunded, the payment so made shall be applied upon the re-assessment on said premises, and the re-assessment shall to that extent be deemed satisfied.

Proceedings.

Lien on property not impaired by judgment or decree.

SEC. 23. No judgment or decree, nor any act of the council vacating a special assessment, shall destroy or impair the lien of the village upon the premises assessed, for such amount of the assessment as may be equitably charged against the same, or, as by a regular mode of proceeding might have been lawfully assessed thereon.

Special assessments transferable to next annual tax-roll.

SEC. 24. Whenever a special assessment shall be confirmed and payable, the council may direct the respective amounts levied therein to be transferred to the next annual village tax-

roll, and re-assess therein, in a column for special assessments, against the same persons and upon the same lands as in the special assessment roll, and when so re-assessed in the annual tax-roll, the several amounts shall be collected with the other village taxes levied in the annual roll; and if not paid, the lands assessed shall be returned as delinquent, and sold therefor the same as for the non-payment of the other taxes assessed in the roll.

SEC. 25. When any special assessment shall be confirmed, and be payable as hereinbefore provided, the council, instead of requiring the assessments to be re-assessed in the next annual village tax roll, as provided in the preceding section, may direct the assessment so made in the special assessment roll to be collected directly therefrom; and thereupon the village clerk shall attach his warrant to a certified copy of said special assessment roll, therein commanding the village marshal to collect from each of the persons assessed in said roll the amount of money assessed to and set opposite his name therein; and in case any person named in said roll shall neglect or refuse to pay his assessment upon demand, then to levy and collect the same by distress and sale of the goods and chattels of such person; and that he pay the money so collected into the treasury; and return said roll and warrant, together with his doings thereon, in sixty days from the date of such warrant.

*Council may order a direct collection of such assessment.*

SEC. 26. Upon receiving said assessment roll and warrant, the marshal shall proceed to collect the amounts assessed therein. If any person shall neglect or refuse to pay his assessment upon demand, the marshal shall seize and levy upon any personal property found within the village, or elsewhere within the county, belonging to such person, and to sell the same at public auction, first giving six days' notice of the time and place of such sale, by posting such notices in three of the most public places in the village or township where such property may be found. The proceeds of such sale, or so much

*Seizure and sale of goods*

Disposition  
of proceeds.

Costs of sale.

Disposition  
of money by  
marshal, and  
return of  
roll and war-  
rant.

Renewal of  
warrant.

Assessments  
finally re-  
turned un-  
paid re-  
assessed  
with interest

Manner of  
collecting  
special as-  
sessments  
by suit.

thereof as may be necessary for that purpose, shall be applied to the payment of the assessment, and a percentage of five per centum upon the amount of the assessment for the costs and expenses of said seizure and sale, and the surplus, if any, shall be paid to the person entitled thereto.

SEC. 27. The marshal shall pay the moneys, and all percentage collected by him into the village treasury, and take the treasurer's receipt therefor, and file the same with the clerk. He shall also make return of said assessment roll and warrant to the village clerk according to the requirement of the warrant, and if any of the assessments in said roll shall be returned unpaid, the marshal shall attach to his return a statement, verified by affidavit, containing a list of the persons delinquent, and a description of the lots and premises upon which the assessments remain unpaid, and the amount unpaid on each.

SEC. 28. Said warrant may be renewed from time to time by the clerk, if the council shall so direct, and for such time as they shall determine, and during the time of such renewal the warrant shall have the same force, and the marshal shall perform the same duties and make the like returns, as above provided. In case any assessment shall be finally returned by the marshal unpaid, as aforesaid, the same may be transferred to and re-assessed in the next annual village tax-roll in the manner provided in section twenty-four, with interest included at the rate of ten per cent from the date of the confirmation of the assessment, and be collected and paid in all respects as provided in section twenty-four aforesaid.

SEC. 29. At any time after a special assessment has become payable, the same may be collected by suit, in the name of the village, against the person assessed, in an action of assumpsit, in any court having jurisdiction of the amount. In every such action a declaration upon the common count for money paid shall be sufficient. The special assessment roll and a certified copy of the order or resolution confirming the same

shall be *prima facie* evidence of the regularity of all the proceedings in making the assessment, and of the right of the village to recover judgment therefor.

Sec. 30. If in any such action it shall appear that by reason of any irregularities or informality the assessment has not been properly made against the defendant, or upon the lot or premises sought to be charged, the court may, nevertheless, on satisfactory proof that expense has been incurred by the village which is a proper charge against the defendant, or the lot or premises in question, render judgment for the amount properly chargeable against such defendant, or upon such lot or premises.

Judgment may be rendered notwithstanding irregularity.

## CHAPTER XXIV.

### APPROPRIATION OF PRIVATE PROPERTY.

SECTION 1. Private property may be appropriated for public use, in villages, for the purpose of opening, widening, altering, and extending streets, alleys, and avenues; for the construction of bridges; for buildings and structures for the fire department; for public grounds, parks, market places, and spaces; for public wharves, docks, and landings, on navigable waters; and for the improvement of water courses; for sewers, drains, and ditches; for water works and for necessary public buildings, hospitals, pest-houses, and public cemeteries; and the common council are authorized to treat with any person or persons having interests in the land, for such grounds or premises, and if such person or persons shall refuse to treat for the same, or, if the parties cannot agree, proceedings may be taken as provided in this act for the condemnation of the same: *Provided*, That if the person or persons are non-residents, it shall not be necessary to treat. But such property shall not be taken therefor without the consent of the owner, unless the necessity for using the same, and the just compensation to be made therefor, shall be determined by a jury of twelve freeholders, residing in

Purpose for which private property may be appropriated for public use.

Manner of acquiring.

Proviso.

**Council may acquire by purchase.** the village. The council may, however, acquire such property by negotiation and purchase.

**Proceedings when seizure is necessary.** SEC. 2. When the council shall deem it necessary to make any public improvement requiring the taking or using of private property not acquired by purchase, they shall so declare by resolution describing the proposed improvement and each parcel of land designed to be taken, by metes and bounds, giving the names of the owners or persons interested therein, so far as known; and shall, in the same resolution, designate a justice of the peace residing in the township in which the village is located, to whom an application will be made at a time therein to be stated, for the impaneling of a jury, to ascertain the necessity of using said land, and the just compensation to be made therefor.

**Notice of application for jury.**

**Service of.**

**Return by officer; when and where filed.**

SEC. 3. Upon the passage of the resolution mentioned in the preceding section, a certified copy thereof shall be filed with said justice of the peace, and notice of the time and place of said application, including a copy of said resolution, shall be given by publishing the same for three weeks in a newspaper in the village, if one is published therein, the first publication of which shall be at least thirty days before the time fixed for the application, or by posting copies of said notice and resolution in three public places in the village the same length of time before the application. And a copy of said notice and resolution shall be served personally by the village marshal, at least two weeks before the time for said application, upon each owner and person interested in said lands, so far as known, or upon the guardian of any minor or incompetent person interested therein, if to be found within the village or elsewhere in the county. A return by the marshal of the service and posting of copies of said notice and resolution (which shall be conclusive as to the matters therein stated), and an affidavit of the publication of said notice and resolution shall be filed with the said justice, before or at the time of making said application. And after the publication and

service or posting of said notice as aforesaid, the owners and all persons interested in any of the lands sought to be taken for said improvement, shall take notice of and be bound by all the subsequent proceedings without further notice, except as herein otherwise provided. Effect of notice.

SEC. 4. At the time appointed therefor in said notice and resolution, or at such other time as the proceedings shall be adjourned to by said justice, he shall, upon the application of the council or their attorney, cause the marshal or any constable or sheriff of the county to make a list of the names of twenty-four disinterested freeholders residing in said village, competent to serve as jurors. From said list the council or their attorney shall strike off six names, and the owner or owners and persons interested in said lands shall strike off six names, or, upon their failing to do so, the justice shall strike off such names for him or them; and thereupon the said justice shall issue *venire*, directed to the village marshal or any constable or sheriff of the county, to summon the twelve persons whose names remain upon said list, to appear before said justice at a time and place in said *venire* to be named, not less than three nor more than six days from the date thereof, to make a jury to inquire of and determine the matters referred to in said resolution; and shall then adjourn the further proceedings in the matter to the return day of said *venire*. Said *venire* shall be served by the marshal or such constable or sheriff, as in other cases of *venire*. Said jurors shall be liable for non-attendance the same as jurors summoned to appear in justices' courts, and may be excused for the same causes as jurors in those courts. Impaneling of jury. Liability of such jurors.

SEC. 5. At the time of making the application to the justice for the impaneling of the jury, and at all subsequent proceedings, any infant or incompetent person may be represented by his or her guardian, appointed under the laws of this State; but if there shall be no such guardian, or no such guardian shall appear to represent such infant or incompetent person, Interests of infants or incompetent persons, how protected.

the justice, before proceeding with the matter, shall appoint some disinterested person as guardian *ad litem*, to protect the interest of the person for whom he is so appointed.

Completing  
panel of  
jurors.

SEC. 6. If upon the return day of said *venire* a sufficient number of competent jurors shall not attend in answer to the summons, or if any shall be excused or set aside, the justice shall require the marshal, constable, or sheriff to summon immediately a sufficient number of other competent freeholders of the village, until a panel of twelve qualified jurors shall be obtained. Each party, and every person having an interest in any of the lands, shall have the right to challenge any jurors for cause, and the justice shall determine as to the competency of the juror. Such jury shall be sworn to ascertain and determine the necessity of taking the parcel or several parcels of land sought to be taken for the purpose set forth in said resolution, and if taken, to determine and award to each person entitled thereto, the just compensation to be allowed for his or her interest in the land so taken.

Right of  
challenge.

Oath of ju-  
rors.

Copy of  
notice, etc.,  
and a plat to  
be given jury

SEC. 7. When the jury shall have been sworn, the agent or attorney for the council shall deliver to them a copy of the said notice and resolution of the council, and a map or plat of the proposed improvement showing the location and boundaries of each parcel of land sought to be taken, and its position in relation to adjoining lands. And any person claiming an interest in any of the lands sought to be taken, although not named in said resolution as an owner or party interested, may then file with the justice a statement of his interest in, and a description of the property in respect to which he claims compensation, and a copy of the same shall be delivered to the jury.

Persons  
overlooked  
may file  
statement of  
interest.

Jury to ex-  
amine prem-  
ises, etc.

SEC. 8. The jury shall then, or at such other time as the justice shall direct, proceed to examine the premises sought to be acquired, and testimony may be produced before them under the direction of the court, as in cases of ordinary jury trials before justices of the peace, so far as applicable. Upon closing



the testimony, the justice shall instruct the jury as to the provisions of this chapter relating to their duties. To be instructed by justice.

SEC. 9. The jury shall consider upon each parcel of land described in the resolution of the council separately. If they shall find it necessary to take the same for the purpose of said improvement, they shall determine and award the compensation to be made therefor. If several persons have separate claims upon the same lot or parcel of land, as owners, mortgagees, lessees or otherwise, they shall apportion to each such share of the damages awarded as shall be just. Damages for taking the lands of any deceased person may be awarded to his estate. Determination and award by.

SEC. 10. The jury shall make a report of their determinations and awards in writing. They shall describe therein, by metes and bounds, each piece or parcel of land which they shall find it necessary to take for the purpose of said improvement, and state the amount awarded as damages and compensation therefor; the name of the owner, and of any persons having separate claims thereon, by mortgage, lease, or otherwise, to whom said damages are awarded, and the amount awarded to each, and the date and description of any mortgage, lease, or lien, by virtue of which such claim is made. When conflicting claims are made to any damages awarded, the jury, without deciding between the claimants, shall report the fact, their names, and the amount awarded for the land. They shall report the lands, if any, as to which they fail to agree. Said report, signed by each juror, shall be returned to the justice within ten days after the empaneling of the jury. Report of.

SEC. 11. The justice shall enter said report, and all the proceedings had in the cause before him, in his docket. Entry of proceedings in docket.

SEC. 12. A disagreement of the jury, as to one or more distinct parcels of land, shall not affect the awards and reports in which they have agreed; and, upon any such disagreement, the justice may, upon the request of the council, impanel a new jury in the same manner as provided for drawing the orig- Relative to disagreement of jury

son chargeable therewith, shall be reported to the council in such manner as the council shall prescribe.

Determina-  
tion of pro-  
portion of  
expense  
chargeable  
against indi-  
vidual lots.

Reported by  
clerk to as-  
sessors.

SEC. 11. The council shall determine what amount or part of every such expense shall be charged, and the person, if known, against whom, and the premises upon which the same shall be levied as a special assessment; and as often as the council shall deem it expedient they shall require all of the several amounts so reported and determined, and the several lots or premises, and the persons chargeable therewith respectively, to be reported by the clerk to the board of assessors for assessment.

Special as-  
sessment  
roll in acor-  
dance there-  
with.

Reported to  
council.

SEC. 12. Upon receiving the report mentioned in the preceding section, the board of assessors shall make a special assessment roll, and levy as a special assessment therein upon each lot or parcel of land so reported to them, and against the person chargeable therewith, if known, the whole amount or amounts of all the charges so directed to be levied upon each of such lots or premises respectively, and when completed they shall report the assessment to the council.

Filed with  
clerk.

Notice of  
meeting to  
review as-  
sessment.

Objections  
filed with  
clerk.

Review, cor-  
rection, and  
disposition  
of roll.

SEC. 13. When any special assessment shall be reported by the board of assessors to the council, as in this chapter directed, the same shall be filed in the office of the village clerk, and numbered. Before adopting the assessment, the council shall cause notice to be published for two weeks at least in some newspaper of the village, or to be posted in three public places for the same length of time, of the filing of the same with the clerk, and appointing a time when the council and board of assessors will meet to review the assessment. Any person objecting to the assessment may file his objections thereto in writing with the clerk.

SEC. 14. At the time appointed for that purpose as aforesaid, the council and board of assessors shall meet, and there, or at some adjourned meeting, review the assessment; and the council shall correct the same if necessary and confirm it as reported or as corrected; or they may refer the assessment

back to the board for revision ; or annul it and direct a new assessment, in which case the same proceedings shall be had as in respect to the previous assessment. When a special assessment shall be confirmed, the village clerk shall indorse a certificate thereof upon the roll showing the date of confirmation. Certificate of date of confirmation of assessment.

SEC. 15. When any special assessment shall be confirmed by the council, it shall be final and conclusive ; but no such assessment shall be confirmed, except by the concurrence of two-thirds of the trustees elect. Confirmation final. Vote thereon

SEC. 16. All special assessments shall, from the date of the confirmation thereof, constitute a lien upon the respective lots or parcels of land assessed, and shall be a charge against the persons to whom assessed until paid. Assessments a lien on land and charge against persons.

SEC. 17. Upon the confirmation of any special assessment, the amount thereof may be divided into not more than five installments, one of which shall be collected each year at such time as the council shall determine, with annual interest at a rate not exceeding eight per cent. Divided into installments

SEC. 18. All special assessments, except such installments thereof as the council shall make payable at a future time as provided in the preceding section, shall be due and payable upon confirmation. First installment due upon confirmation.

SEC. 19. If any special assessment shall be divided into installments, a special assessment roll shall be made for each installment as the same shall become due, with the accrued interest upon all unpaid installments included and assessed therein. Such special rolls may be made and confirmed without notice to the persons assessed. Special assessment roll for each installment.

SEC. 20. Should any lots or lands be divided after a special assessment thereon has been confirmed and divided into installments, and before the collection of all the installments, the council may require the board of assessors to apportion the uncollected amounts upon the several parts of lots and lands so divided. The report of such apportionment, when confirmed Apportionment in case of division of land.

by the council shall be conclusive upon all the parties and all assessments thereafter made upon such lots or lands shall be according to such division.

Additional assessments to supply deficiency.

Surplus refunded.

SEC. 21. Should any special assessment prove insufficient to pay for the improvement or work for which it was levied, and the expenses incident thereto, the council may, within the limitations prescribed for such assessments, make an additional *pro rata* assessment to supply the deficiency; and in case a larger amount shall have been collected than was necessary, the excess shall be refunded ratably to those by whom it was paid.

New assessments to be made in case of irregularity.

Proceedings.

SEC. 22. Whenever any special assessment shall, in the opinion of the council, be invalid by reason of irregularity or informality in the proceedings, or if any court of competent jurisdiction shall adjudge such assessment to be illegal, the council shall, whether the improvement has been made or not, or whether any part of the assessments have been paid or not, have power to cause a new assessment to be made for the same purpose for which the former assessment was made. All the proceedings on such re-assessment and for the collection thereof shall be conducted in the same manner as provided for the original assessment, and whenever any sum or any part thereof, levied upon any premises in the assessment so set aside, has been paid and not refunded, the payment so made shall be applied upon the re-assessment on said premises, and the re-assessment shall to that extent be deemed satisfied.

Lien on property not impaired by judgment or decree.

SEC. 23. No judgment or decree, nor any act of the council vacating a special assessment, shall destroy or impair the lien of the village upon the premises assessed, for such amount of the assessment as may be equitably charged against the same, or, as by a regular mode of proceeding might have been lawfully assessed thereon.

Special assessments transferable to next annual tax-roll.

SEC. 24. Whenever a special assessment shall be confirmed and payable, the council may direct the respective amounts levied therein to be transferred to the next annual village tax-roll.

roll, and re-assess therein, in a column for special assessments, against the same persons and upon the same lands as in the special assessment roll, and when so re-assessed in the annual tax-roll, the several amounts shall be collected with the other village taxes levied in the annual roll; and if not paid, the lands assessed shall be returned as delinquent, and sold therefor the same as for the non-payment of the other taxes assessed in the roll.

SEC. 25. When any special assessment shall be confirmed, and be payable as hereinbefore provided, the council, instead of requiring the assessments to be re-assessed in the next annual village tax roll, as provided in the preceding section, may direct the assessment so made in the special assessment roll to be collected directly therefrom; and thereupon the village clerk shall attach his warrant to a certified copy of said special assessment roll, therein commanding the village marshal to collect from each of the persons assessed in said roll the amount of money assessed to and set opposite his name therein; and in case any person named in said roll shall neglect or refuse to pay his assessment upon demand, then to levy and collect the same by distress and sale of the goods and chattels of such person; and that he pay the money so collected into the treasury; and return said roll and warrant, together with his doings thereon, in sixty days from the date of such warrant.

SEC. 26. Upon receiving said assessment roll and warrant, the marshal shall proceed to collect the amounts assessed therein. If any person shall neglect or refuse to pay his assessment upon demand, the marshal shall seize and levy upon any personal property found within the village, or elsewhere within the county, belonging to such person, and to sell the same at public auction, first giving six days' notice of the time and place of such sale, by posting such notices in three of the most public places in the village or township where such property may be found. The proceeds of such sale, or so much

Council may order a direct collection of such assessment.

Seizure and sale of goods

Disposition of proceeds. thereof as may be necessary for that purpose, shall be applied to the payment of the assessment, and a percentage of five per centum upon the amount of the assessment for the costs and expenses of said seizure and sale, and the surplus, if any, shall be paid to the person entitled thereto.

Disposition of money by marshal, and return of roll and warrant. SEC. 27. The marshal shall pay the moneys, and all percentage collected by him into the village treasury, and take the treasurer's receipt therefor, and file the same with the clerk. He shall also make return of said assessment roll and warrant to the village clerk according to the requirement of the warrant, and if any of the assessments in said roll shall be returned unpaid, the marshal shall attach to his return a statement, verified by affidavit, containing a list of the persons delinquent, and a description of the lots and premises upon which the assessments remain unpaid, and the amount unpaid on each.

Renewal of warrant. SEC. 28. Said warrant may be renewed from time to time by the clerk, if the council shall so direct, and for such time as they shall determine, and during the time of such renewal the warrant shall have the same force, and the marshal shall perform the same duties and make the like returns, as above provided. In case any assessment shall be finally returned by the marshal unpaid, as aforesaid, the same may be transferred to and re-assessed in the next annual village tax-roll in the manner provided in section twenty-four, with interest included at the rate of ten per cent from the date of the confirmation of the assessment, and be collected and paid in all respects as provided in section twenty-four aforesaid.

Manner of collecting special assessments by suit. SEC. 29. At any time after a special assessment has become payable, the same may be collected by suit, in the name of the village, against the person assessed, in an action of assumpsit, in any court having jurisdiction of the amount. In every such action a declaration upon the common count for money paid shall be sufficient. The special assessment roll and a certified copy of the order or resolution confirming the same

shall be *prima facie* evidence of the regularity of all the proceedings in making the assessment, and of the right of the village to recover judgment therefor.

SEC. 30. If in any such action it shall appear that by reason of any irregularities or informality the assessment has not been properly made against the defendant, or upon the lot or premises sought to be charged, the court may, nevertheless, on satisfactory proof that expense has been incurred by the village which is a proper charge against the defendant, or the lot or premises in question, render judgment for the amount properly chargeable against such defendant, or upon such lot or premises.

Judgment may be rendered notwithstanding irregularity.

## CHAPTER XXIV.

### APPROPRIATION OF PRIVATE PROPERTY.

SECTION 1. Private property may be appropriated for public use, in villages, for the purpose of opening, widening, altering, and extending streets, alleys, and avenues; for the construction of bridges; for buildings and structures for the fire department; for public grounds, parks, market places, and spaces; for public wharves, docks, and landings, on navigable waters; and for the improvement of water courses; for sewers, drains, and ditches; for water works and for necessary public buildings, hospitals, pest-houses, and public cemeteries; and the common council are authorized to treat with any person or persons having interests in the land, for such grounds or premises, and if such person or persons shall refuse to treat for the same, or, if the parties cannot agree, proceedings may be taken as provided in this act for the condemnation of the same: *Provided*, That if the person or persons are non-residents, it shall not be necessary to treat. But such property shall not be taken therefor without the consent of the owner, unless the necessity for using the same, and the just compensation to be made therefor, shall be determined by a jury of twelve freeholders, residing in

Purpose for which private property may be appropriated for public use.

Manner of acquiring.

proviso.

**Council may acquire by purchase.** the village. The council may, however, acquire such property by negotiation and purchase.

**Proceedings when seizure is necessary.** SEC. 2. When the council shall deem it necessary to make any public improvement requiring the taking or using of private property not acquired by purchase, they shall so declare by resolution describing the proposed improvement and each parcel of land designed to be taken, by metes and bounds, giving the names of the owners or persons interested therein, so far as known; and shall, in the same resolution, designate a justice of the peace residing in the township in which the village is located, to whom an application will be made at a time therein to be stated, for the impaneling of a jury, to ascertain the necessity of using said land, and the just compensation to be made therefor.

**Notice of application for jury.** SEC. 3. Upon the passage of the resolution mentioned in the preceding section, a certified copy thereof shall be filed with said justice of the peace, and notice of the time and place of said application, including a copy of said resolution, shall be given by publishing the same for three weeks in a newspaper in the village, if one is published therein, the first publication of which shall be at least thirty days before the time fixed for the application, or by posting copies of said notice and resolution in three public places in the village the same length of time before the application. And a copy of said notice and resolution shall be served personally by the village marshal, at least two weeks before the time for said application, upon each owner and person interested in said lands, so far as known, or upon the guardian of any minor or incompetent person interested therein, if to be found within the village or elsewhere in the county. A return by the marshal of the service and posting of copies of said notice and resolution (which shall be conclusive as to the matters therein stated), and an affidavit of the publication of said notice and resolution shall be filed with the said justice, before or at the time of making said application. And after the publication and

**Service of.**

**Return by officer; when and where filed.**



service or posting of said notice as aforesaid, the owners and all persons interested in any of the lands sought to be taken for said improvement, shall take notice of and be bound by all the subsequent proceedings without further notice, except as herein otherwise provided. Effect of notice.

SEC. 4. At the time appointed therefor in said notice and resolution, or at such other time as the proceedings shall be adjourned to by said justice, he shall, upon the application of the council or their attorney, cause the marshal or any constable or sheriff of the county to make a list of the names of twenty-four disinterested freeholders residing in said village, competent to serve as jurors. From said list the council or their attorney shall strike off six names, and the owner or owners and persons interested in said lands shall strike off six names, or, upon their failing to do so, the justice shall strike off such names for him or them; and thereupon the said justice shall issue *venire*, directed to the village marshal or any constable or sheriff of the county, to summon the twelve persons whose names remain upon said list, to appear before said justice at a time and place in said *venire* to be named, not less than three nor more than six days from the date thereof, to make a jury to inquire of and determine the matters referred to in said resolution; and shall then adjourn the further proceedings in the matter to the return day of said *venire*. Said *venire* shall be served by the marshal or such constable or sheriff, as in other cases of *venire*. Said jurors shall be liable for non-attendance the same as jurors summoned to appear in justices' courts, and may be excused for the same causes as jurors in those courts. Impaneling of jury. Liability of such juror.

SEC. 5. At the time of making the application to the justice for the impaneling of the jury, and at all subsequent proceedings, any infant or incompetent person may be represented by his or her guardian, appointed under the laws of this State; but if there shall be no such guardian, or no such guardian shall appear to represent such infant or incompetent person, Interests of infants or incompetent persons, how protected.

the justice, before proceeding with the matter, shall appoint some disinterested person as guardian *ad litem*, to protect the interest of the person for whom he is so appointed.

Completing  
panel of  
jurors.

SEC. 6. If upon the return day of said *venire* a sufficient number of competent jurors shall not attend in answer to the summons, or if any shall be excused or set aside, the justice shall require the marshal, constable, or sheriff to summon immediately a sufficient number of other competent freeholders of the village, until a panel of twelve qualified jurors shall be obtained. Each party, and every person having an interest in any of the lands, shall have the right to challenge any jurors for cause, and the justice shall determine as to the competency of the juror. Such jury shall be sworn to ascertain and determine the necessity of taking the parcel or several parcels of land sought to be taken for the purpose set forth in said resolution, and if taken, to determine and award to each person entitled thereto, the just compensation to be allowed for his or her interest in the land so taken.

Right of  
challenge.

Oath of ju-  
rors.

Copy of  
notice, etc.,  
and a plat to  
be given jury

SEC. 7. When the jury shall have been sworn, the agent or attorney for the council shall deliver to them a copy of the said notice and resolution of the council, and a map or plat of the proposed improvement showing the location and boundaries of each parcel of land sought to be taken, and its position in relation to adjoining lands. And any person claiming an interest in any of the lands sought to be taken, although not named in said resolution as an owner or party interested, may then file with the justice a statement of his interest in, and a description of the property in respect to which he claims compensation, and a copy of the same shall be delivered to the jury.

Persons  
overlooked  
may file  
statement of  
interest.

Jury to ex-  
amine prem-  
ises, etc.

SEC. 8. The jury shall then, or at such other time as the justice shall direct, proceed to examine the premises sought to be acquired, and testimony may be produced before them under the direction of the court, as in cases of ordinary jury trials before justices of the peace, so far as applicable. Upon closing

the testimony, the justice shall instruct the jury as to the provisions of this chapter relating to their duties. To be instructed by justice.

SEC. 9. The jury shall consider upon each parcel of land described in the resolution of the council separately. If they shall find it necessary to take the same for the purpose of said improvement, they shall determine and award the compensation to be made therefor. If several persons have separate claims upon the same lot or parcel of land, as owners, mortgagees, lessees or otherwise, they shall apportion to each such share of the damages awarded as shall be just. Damages for taking the lands of any deceased person may be awarded to his estate. Determination and award by.

SEC. 10. The jury shall make a report of their determinations and awards in writing. They shall describe therein, by metes and bounds, each piece or parcel of land which they shall find it necessary to take for the purpose of said improvement, and state the amount awarded as damages and compensation therefor; the name of the owner, and of any persons having separate claims thereon, by mortgage, lease, or otherwise, to whom said damages are awarded, and the amount awarded to each, and the date and description of any mortgage, lease, or lien, by virtue of which such claim is made. When conflicting claims are made to any damages awarded, the jury, without deciding between the claimants, shall report the fact, their names, and the amount awarded for the land. They shall report the lands, if any, as to which they fail to agree. Said report, signed by each juror, shall be returned to the justice within ten days after the empaneling of the jury. Report of.

SEC. 11. The justice shall enter said report, and all the proceedings had in the cause before him, in his docket. Entry of proceedings in docket.

SEC. 12. A disagreement of the jury, as to one or more distinct parcels of land, shall not affect the awards and reports in which they have agreed; and, upon any such disagreement, the justice may, upon the request of the council, impanel a new jury in the same manner as provided for drawing the orig- Relative to disagreement of jury

the justice, before proceeding with the matter, shall appoint some disinterested person as guardian *ad litem*, to protect the interest of the person for whom he is so appointed.

Completing  
panel of  
jurors.

SEC. 6. If upon the return day of said *venire* a sufficient number of competent jurors shall not attend in answer to the summons, or if any shall be excused or set aside, the justice shall require the marshal, constable, or sheriff to summon immediately a sufficient number of other competent freeholders of the village, until a panel of twelve qualified jurors shall be obtained. Each party, and every person having an interest in any of the lands, shall have the right to challenge any jurors for cause, and the justice shall determine as to the competency of the juror. Such jury shall be sworn to ascertain and determine the necessity of taking the parcel or several parcels of land sought to be taken for the purpose set forth in said resolution, and if taken, to determine and award to each person entitled thereto, the just compensation to be allowed for his or her interest in the land so taken.

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Jury to ex-  
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the testimony, the justice shall instruct the jury as to the provisions of this chapter relating to their duties. To be instructed by justice.

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SEC. 10. The jury shall make a report of their determinations and awards in writing. They shall describe therein, by metes and bounds, each piece or parcel of land which they shall find it necessary to take for the purpose of said improvement, and state the amount awarded as damages and compensation therefor; the name of the owner, and of any persons having separate claims thereon, by mortgage, lease, or otherwise, to whom said damages are awarded, and the amount awarded to each, and the date and description of any mortgage, lease, or lien, by virtue of which such claim is made. When conflicting claims are made to any damages awarded, the jury, without deciding between the claimants, shall report the fact, their names, and the amount awarded for the land. They shall report the lands, if any, as to which they fail to agree. Said report, signed by each juror, shall be returned to the justice within ten days after the empaneling of the jury. Report of.

SEC. 11. The justice shall enter said report, and all the proceedings had in the cause before him, in his docket. Entry of proceedings in docket.

SEC. 12. A disagreement of the jury, as to one or more distinct parcels of land, shall not affect the awards and reports in which they have agreed; and, upon any such disagreement, the justice may, upon the request of the council, impanel a new jury in the same manner as provided for drawing the orig- Relative to disagreement of jury

inal jury; and like proceedings shall thereupon be had as to the lands concerning which there was a failure to agree; and a new jury may, in like manner, be had as often as necessary.

Appoint-  
ment in  
place of ju-  
rors unable  
to discharge  
duties.

If any juror, during the course of the proceedings, shall be unable to discharge his duties, the justice may appoint another in his place, who shall have the like qualifications, and be sworn, and exercise the same duties as the other jurors of the panel.

Copy of  
report, etc.,  
for use of,  
council.

Judgment  
of confir-  
mation.

When not  
made within  
forty days.

SEC. 13. Upon filing the report and award made by any jury with said justice, a copy thereof may be taken for the use of the council; and at any time thereafter, within forty days after the impaneling of the jury making the report, the justice, upon the application of the council, shall enter judgment of confirmation of the determination and awards therein made.

Unless such application and confirmation shall be made within said forty days, all proceedings upon that report and awards shall be at an end, and a new jury and new proceedings may be had, as in the case of a disagreement of the jury. All parties interested in such report shall take notice of the confirmation thereof. Any such judgment of confirmation shall be final and conclusive as to all parties not appealing therefrom, within the time prescribed in the next section.

Appeal to  
circuit court

SEC. 14. Any party aggrieved by the judgment of confirmation mentioned in the preceeding section may, within ten days after the entry thereof, appeal therefrom to the circuit court of the county, by filing with the justice a claim of appeal, in writing, in which he shall set forth a description of the land in which he claims an interest, his interest therein, and all the errors relating to the proceedings and judgment of which he complains, and his objections, if any, to the amount of damages awarded, and at the same time filing with the justice a bond to the village, in a penal sum of not less than three hundred dollars, with sureties to be approved by said justice, conditioned that he will prosecute his appeal to effect, and pay any costs that may be awarded against him in the circuit court,

and paying to the justice the sum of three dollars for making his return to the appeal.

SEC. 15. At the time of filing said claim of appeal, the appellant shall present to the justice a statement in the nature of a bill of exceptions, containing so much of the evidence and other proceedings in the matter as shall be sufficient to present the question to be raised upon the errors and objections alleged in the claim of appeal, and shall at the same time serve a copy thereof and of the claim of appeal upon the attorney of the council or president of the village, who may propose amendments to said bill. Within ten days after said bill is presented said justice shall, if necessary, cause the same to be corrected according to the facts of the case, and sign the same; and within ten days thereafter said justice shall make and certify a return to said appeal, setting forth a transcript from his docket of all the proceedings and the judgment of confirmation entered therein, and shall attach thereto the report of the jury, and all notices and papers filed with him, together with the bond and claim of appeal and said bill of exceptions, and file the same with the clerk of said circuit court.

Bill of exceptions.

Correction of, by justice

Filing of transcript of docket, etc., with clerk of court.

SEC. 16. Upon filing the return of the justice, as mentioned in the preceding section, the circuit court shall have jurisdiction of the case; and upon the hearing thereof shall first consider the errors alleged in said claim of appeal, and if the proceedings are found invalid as to the party appealing, on account thereof, the court shall remand the case, so far as affects the appellant, to said justice, and a new jury may be called, and the like proceedings had as upon the original application for a jury. If no error affecting the merits shall be found in the proceedings, the parties may proceed to trial by jury at the same term, upon the question as to the amount of damages to be awarded; but the finding of the jury before the justice, as to the necessity of taking the land, shall be held to be conclusive. The appeal of one or more persons interested in any judgment of confirmation shall not in any

When court may remand case to justice.

When parties may proceed to trial.

Appeal of one person not to affect others.

way affect said judgment as to other persons interested therein who do not appeal.

**Judgment.**

**SEC. 17.** Upon any dismissal of the appeal, or rendition of judgment after trial in the circuit court, said court shall confirm the proceedings and right of the village to take and appropriate the lands of the appellant for the purpose mentioned in the resolution of the council. And unless the appellant

**Costs.**

shall recover judgment for at least ten dollars more than the amount awarded to him before the justice, he shall pay costs to the village; otherwise the court shall award such costs to him as shall be just.

**Record and copies of judgment evidence of regularity of proceedings, etc.**

**SEC. 18.** Certified copies of any judgment of confirmation of the circuit court, or of the justice of the peace after the same has become final, and of the report of the jury thereby confirmed, and records of such copies made in the book of street records in the office of the village clerk, shall be presumptive evidence of the matters therein contained, and of the regularity of all the proceedings to appropriate the property sought to be acquired, and to confirm the same.

**Damages, payment of.**

**SEC. 19.** Within six months after the judgment of confirmation by the circuit court, or after the judgment of confirmation by the justice shall become final, the council may pay or tender to the respective persons the several amounts of damage and compensation awarded to them, as finally confirmed.

**Where deposited when person is unknown or incapacitated**

And in case any such person shall refuse the same, be unknown, or a non-resident of the village, or be not found therein, or shall be incapacitated from receiving his or her amounts, or the right to any sum awarded be disputed or doubtful, the council may deposit the amount awarded in such case, with a statement of the facts relating thereto, in the treasury of the village, to the credit of the person or persons entitled thereto, and the same shall be paid on demand, to any person entitled to receive it. No delay in making any award of damages, or in taking possession of any property, shall be occasioned by any doubt as to the ownership of the property, or as to the interest of the respective parties making claims thereto.



SEC. 20. Upon the payment, tender, or deposit mentioned in the preceding section, the right to use the land sought to be taken, with the appurtenances, and the right to occupy the property sought to be used, shall vest in the village, and the council may convert and use the same. A certificate of the village treasurer, of such payment, tender, or deposit, or a record of such certificate made in the book of street records, or a certified copy thereof, shall be presumptive evidence of the matters therein stated, and of the ownership of the village in the lands and property taken.

When right to use land, etc., shall vest in village.

Evidence of ownership, etc.

SEC. 21. In all cases where any real estate, subject to a lease or agreement, shall be taken for public use, all the covenants and stipulations therein shall end upon the judgment of confirmation in the circuit court, or upon the confirmation by the justice, when the same shall become final. If a part only of such real estate shall be taken, the said covenants and agreements shall be discharged only as to such part.

Effect of judgment upon leases.

## CHAPTER XXV.

### FINANCE AND TAXATION.

SECTION 1. The council of any village organized under this act shall have authority to raise by general tax upon all the real and personal property liable to taxation in said village (exclusive of taxes for highway and street purposes), such sum not exceeding in any one year one and one-fourth of one per cent of the assessed value of such property, as they shall deem necessary for the purpose of defraying the general expenses and liabilities of the corporation, and to carry into effect the powers in this act granted. The moneys so raised shall constitute a "general fund."

Authority of council to raise money by taxation.

SEC. 2. The council shall also have power to raise, by general tax upon all the real and personal property aforesaid, such sum not exceeding one-half of one per cent of the assessed value of said property, as they shall deem necessary for highway and street purposes. Such moneys shall constitute a

Highway taxes, how raised, etc.

way affect said judgment as to other persons interested therein who do not appeal.

**Judgment.** SEC. 17. Upon any dismissal of the appeal, or rendition of judgment after trial in the circuit court, said court shall confirm the proceedings and right of the village to take and appropriate the lands of the appellant for the purpose mentioned in the resolution of the council. And unless the appellant shall recover judgment for at least ten dollars more than the amount awarded to him before the justice, he shall pay costs to the village; otherwise the court shall award such costs to him as shall be just.

**Record and copies of judgment evidence of regularity of proceedings, etc.** SEC. 18. Certified copies of any judgment of confirmation of the circuit court, or of the justice of the peace after the same has become final, and of the report of the jury thereby confirmed, and records of such copies made in the book of street records in the office of the village clerk, shall be presumptive evidence of the matters therein contained, and of the regularity of all the proceedings to appropriate the property sought to be acquired, and to confirm the same.

**Damages, payment of.** SEC. 19. Within six months after the judgment of confirmation by the circuit court, or after the judgment of confirmation by the justice shall become final, the council may pay or tender to the respective persons the several amounts of damage and compensation awarded to them, as finally confirmed.

**Where deposited when person is unknown or incapacitated** And in case any such person shall refuse the same, be unknown, or a non-resident of the village, or be not found therein, or shall be incapacitated from receiving his or her amounts, or the right to any sum awarded be disputed or doubtful, the council may deposit the amount awarded in such case, with a statement of the facts relating thereto, in the treasury of the village, to the credit of the person or persons entitled thereto, and the same shall be paid on demand, to any person entitled to receive it. No delay in making any award of damages, or in taking possession of any property, shall be occasioned by any doubt as to the ownership of the property, or as to the interest of the respective parties making claims thereto.

SEC. 20. Upon the payment, tender, or deposit mentioned in the preceding section, the right to use the land sought to be taken, with the appurtenances, and the right to occupy the property sought to be used, shall vest in the village, and the council may convert and use the same. A certificate of the village treasurer, of such payment, tender, or deposit, or a record of such certificate made in the book of street records, or a certified copy thereof, shall be presumptive evidence of the matters therein stated, and of the ownership of the village in the lands and property taken.

When right to use land, etc., shall vest in village.

Evidence of ownership, etc.

SEC. 21. In all cases where any real estate, subject to a lease or agreement, shall be taken for public use, all the covenants and stipulations therein shall end upon the judgment of confirmation in the circuit court, or upon the confirmation by the justice, when the same shall become final. If a part only of such real estate shall be taken, the said covenants and agreements shall be discharged only as to such part.

Effect of judgment upon leases.

## CHAPTER XXV.

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Authority of council to raise money by taxation.

SEC. 2. The council shall also have power to raise, by general tax upon all the real and personal property aforesaid, such sum not exceeding one-half of one per cent of the assessed value of said property, as they shall deem necessary for highway and street purposes. Such moneys shall constitute a

Highway taxes, how raised, etc.

'General highway fund.'

"general highway fund," and shall be expended exclusively for working and improving the highways, streets, lanes, and alleys of the village.

How raised when village is divided into street districts.

SEC. 3. If the village shall be divided into street districts, such part of the amount mentioned in the preceding section as the council shall determine, may be raised by general tax for the general highway fund, and the balance may be raised by tax on the taxable property in the several street districts.

"Street district fund."

Any such money raised in a street district shall constitute a "street district fund," and shall be expended exclusively for the improvement of the streets and public ways in the district.

Poll tax.

SEC. 4. The council shall have power to levy and cause to be collected, in each year, a poll tax of one dollar upon every male inhabitant of the village between the ages of twenty-one and fifty years, excepting active members of the fire department, and such other persons as are exempted by general law from the payment of such tax. All moneys collected by virtue of this section shall be paid into the general highway fund.

Drain tax.

SEC. 5. A tax or assessment of not more than two dollars a year may be levied upon each lot or premises drained by a private drain or sewer, leading into any public sewer or drain. Moneys so raised shall be paid into the general fund.

Cemetery grounds.

SEC. 6. The council may for the purpose of purchasing grounds for a cemetery, raise by general tax a sum not exceeding in any one year, one-fourth of one per cent of the assessed value of the property in the village: *Provided*, That the whole amount which may be so raised for the purchase of grounds for such purpose, shall not at any time exceed five thousand dollars.

Special assessments for certain purposes.

SEC. 7. In addition to the above amounts, the council may raise by special assessment upon lands in sewer districts and special assessment districts, for the purpose of defraying the cost and expense of grading, paving, planking, and graveling streets, and for constructing drains and sewers, and for making other local improvements, charged upon the lands in the

district in proportion to frontage or benefits, such sums as they shall deem necessary to defray the costs of such improvements, but not to exceed in any one year five per cent of the assessed value of the property in the district or chargeable with such expense. Moneys raised by special assessments to pay the cost of any such local improvement shall be held as a special fund to pay such cost and expense, or to repay moneys loaned therefor.

SEC. 8. The council may also raise annually such further sum, not exceeding three mills on the dollar of the assessed value of the property in the village, as may be needed for an interest and sinking fund to pay the funded debt of the village (if any), and the interest thereon. The money so raised shall be used for the purpose aforesaid and for no other.

SEC. 9. The council may borrow in any year, in anticipation of the collection of taxes for the same year, such sum, not exceeding the tax, as may be necessary to defray current expenses. The money so borrowed shall be so repaid from such tax when collected. And they may in like manner borrow, in anticipation of the collection of special assessments actually made for any local improvement, such sum, not exceeding the assessment, as may be necessary for the prosecution or completion of the improvement; and the assessment when collected, shall be applied in payment of the loan.

SEC. 10. Should any greater amount be required in any year for the purchase of grounds for erecting public buildings, or for other necessary corporate purposes, than can be raised by the council under the foregoing provisions of this chapter, such amount may be raised by tax or loan, or partly by tax and partly by loan, if authorized by a majority vote of the electors voting upon the question at an annual or special village election. The amount that may be voted or raised in any year, under the provisions of this section, shall not exceed two per cent of the assessed valuation of the property in the village, as shown by the last preceding tax-roll made therein.

'General highway fund.'

"general highway fund," and shall be expended exclusively for working and improving the highways, streets, lanes, and alleys of the village.

How raised when village is divided into street districts.

SEC. 3. If the village shall be divided into street districts, such part of the amount mentioned in the preceding section as the council shall determine, may be raised by general tax for the general highway fund, and the balance may be raised by tax on the taxable property in the several street districts.

"Street district fund."

Any such money raised in a street district shall constitute a "street district fund," and shall be expended exclusively for the improvement of the streets and public ways in the district.

Poll tax.

SEC. 4. The council shall have power to levy and cause to be collected, in each year, a poll tax of one dollar upon every male inhabitant of the village between the ages of twenty-one and fifty years, excepting active members of the fire department, and such other persons as are exempted by general law from the payment of such tax. All moneys collected by virtue of this section shall be paid into the general highway fund.

Drain tax.

SEC. 5. A tax or assessment of not more than two dollars a year may be levied upon each lot or premises drained by a private drain or sewer, leading into any public sewer or drain. Moneys so raised shall be paid into the general fund.

Cemetery grounds.

SEC. 6. The council may for the purpose of purchasing grounds for a cemetery, raise by general tax a sum not exceeding in any one year, one-fourth of one per cent of the assessed value of the property in the village: *Provided*, That the whole amount which may be so raised for the purchase of grounds, for such purpose, shall not at any time exceed five thousand dollars.

Special assessments for certain purposes.

SEC. 7. In addition to the above amounts, the council may raise by special assessment upon lands in sewer districts and special assessment districts, for the purpose of defraying the cost and expense of grading, paving, planking, and graveling streets, and for constructing drains and sewers, and for making other local improvements, charged upon the lands in the

district in proportion to frontage or benefits, such sums as they shall deem necessary to defray the costs of such improvements, but not to exceed in any one year five per cent of the assessed value of the property in the district or chargeable with such expense. Moneys raised by special assessments to pay the cost of any such local improvement shall be held as a special fund to pay such cost and expense, or to repay moneys loaned therefor.

SEC. 8. The council may also raise annually such further sum, not exceeding three mills on the dollar of the assessed value of the property in the village, as may be needed for an interest and sinking fund to pay the funded debt of the village (if any), and the interest thereon. The money so raised shall be used for the purpose aforesaid and for no other.

SEC. 9. The council may borrow in any year, in anticipation of the collection of taxes for the same year, such sum, not exceeding the tax, as may be necessary to defray current expenses. The money so borrowed shall be so repaid from such tax when collected. And they may in like manner borrow, in anticipation of the collection of special assessments actually made for any local improvement, such sum, not exceeding the assessment, as may be necessary for the prosecution or completion of the improvement; and the assessment when collected, shall be applied in payment of the loan.

SEC. 10. Should any greater amount be required in any year for the purchase of grounds for erecting public buildings, or for other necessary corporate purposes, than can be raised by the council under the foregoing provisions of this chapter, such amount may be raised by tax or loan, or partly by tax and partly by loan, if authorized by a majority vote of the electors voting upon the question at an annual or special village election. The amount that may be voted or raised in any year, under the provisions of this section, shall not exceed two per cent of the assessed valuation of the property in the village, as shown by the last preceding tax-roll made therein.

Ordinance  
submitting  
question to  
vote of  
electors.

Notice  
thereof.

To prescribe  
contents of  
ballots.

Restrictions  
upon draw-  
ing money  
from the  
treasury.

Loans and  
bonds.

SEC. 11. The proposition to raise such additional amount shall be submitted to a vote of the electors, by an ordinance or resolution of the council, distinctly stating the purpose of the proposed expenditure for which said money is required, the amount proposed to be raised therefor, and whether by tax or loan, and appointing the time when the vote will be taken. Such ordinance or resolution shall be published in a newspaper in the village, if any is printed therein, and copies of the resolution or ordinance shall be posted in six of the most public places in the village, at least two weeks before the election at which the vote is to be taken. Such vote shall be by ballot; the contents of the ballots shall be prescribed in the ordinance or resolution submitting the proposition to the electors.

SEC. 12. No money shall be drawn from the treasury except in pursuance of the authority and appropriation of the council, and upon the warrant of the clerk, countersigned by the president. Such warrant shall specify the fund from which it is payable, and shall be paid from no other fund. No warrant shall be drawn upon the treasury after the fund from which it should be paid has been exhausted. Any such warrant shall be void as against the village.

SEC. 13. No loans shall be made by the council, or by its authority, in any year, exceeding the amounts prescribed in this act. For any loans lawfully made, the bonds of the village may be used, bearing a legal rate of interest. A record showing the dates, numbers, and amounts of all bonds issued, and when due, shall be kept by the clerk. When deemed necessary by the council to extend the time of payment, new bonds may be issued in place of former bonds falling due, in such manner as merely to change, but not increase, the indebtedness of the village. Each bond shall show upon its face the class of indebtedness to which it belongs, and from what fund it is payable.

SEC. 14. Within two weeks next preceding any annual vil-



lage election, the council shall audit and settle the accounts of the treasurer and other officers of the village, and the accounts, so far as practicable, of all persons having claims against the village, or accounts with it not previously audited; and shall make out a statement in detail of the receipts and expenditures of the corporation during the preceding year, which statement shall distinctly show the amount of all taxes raised during the preceding year for all purposes, and the amount raised for each fund; the amount levied by special assessment and the amount collected on each; and the amount of money borrowed, and upon what time and terms, and for what purpose; also the items and amounts received from all other sources during the year; also the several items of all expenditures made during the year, the objects thereof, and classifying the expenditures for each purpose separately. Said statement shall also show the amount and items of all indebtedness outstanding against the village, and when payable, and with what rate of interest; the amount of salary or compensation paid or payable to each officer of the village for the year, and such other information as shall be necessary to a full understanding of all the financial concerns of the village.

Auditing of  
accounts  
of officers,  
etc.

Annual  
financial  
statement.

SEC. 15. Said statement, signed by the president and clerk, shall be filed in the office of the village clerk, and a copy thereof published in a newspaper of the village at least five days previous to the next annual village election, if one is published therein.

Statement  
filed with  
clerk and  
published.

SEC. 16. If any officer of the corporation shall directly or indirectly appropriate or convert any of the moneys, securities, evidences of value, or any property whatsoever, belonging to the corporation or any board thereof, to his own use, or shall, directly or indirectly and knowingly, appropriate or convert the same to any other purpose than that for which such moneys, securities, evidences of value, or property may have been appropriated, raised, or received, or to any purpose not authorized by law, he shall be deemed guilty of willful

Appropri-  
ation of  
public funds  
to private  
uses and  
penalty for  
the same.

and corrupt malfeasance in office, and may be prosecuted, tried, and convicted therefor, and on conviction may be punished by fine not exceeding one thousand dollars, or by imprisonment in the State Prison for a period not exceeding three years, or both, in the discretion of the court.

## CHAPTER XXVI.

### ASSESSMENT AND COLLECTION OF VILLAGE TAXES.

**Assessment  
roll.**

**SECTION 1.** The assessor of any village incorporated under this act shall, on or before the second Monday in May, in each year, make an assessment roll, containing a description of all the real property and the aggregate amount of all the personal property liable under the laws of the State to taxation in the village, and the name of the owner, agent, or person liable to pay taxes therein, if known, and the names of all persons liable to pay a poll tax in the village; and shall set down in such roll the valuation of such property, at its fair cash value, placing the value of the real and personal property in separate columns.

**Notice of  
completion  
and review  
of roll.**

**SEC. 2.** Immediately after the completion of such assessment roll, the assessor shall give notice thereof, and of the time and place in said village when and where the assessments will be reviewed, and that any persons deeming themselves aggrieved by the assessment may then be heard. Such notice shall be given by posting copies thereof in six public places in the village, not less than ten days before the day of review.

**Board of  
review of  
assessments,  
and its pow-  
ers and  
duties.**

**SEC. 3.** The assessor and village clerk shall constitute a board of review of the assessments. At the time appointed for the review, the board shall meet at the place designated in the notice, and continue in session two days, for the purpose of reviewing and correcting such assessments; and for such purpose the board of review shall have the same powers, and perform the like duties in all respects, as are conferred upon and required of supervisors in townships, in reviewing assessments made by them. They shall hear the complaints of all persons

considering themselves aggrieved by such assessment; and if it shall appear that any person has been wrongfully assessed or omitted from the roll, the board shall correct the roll in such manner as they shall deem just.

SEC. 4. Immediately after the review of the assessment roll as aforesaid, the board of review shall certify the roll under their hands to the village council.

Board to certify roll to council.

SEC. 5. The council, after an examination of the assessment roll, shall certify the same back to the assessor, together with the amount which they require to be raised by general tax, for highway and other general purposes; the amounts (if any) to be levied in the street districts respectively; and all amounts of special assessments which they require to be re-assessed upon any lands, premises, or district, or against any person, with a particular description of the lands and property, or district to be re-assessed, and the amounts to be re-assessed upon each parcel of land, and the name or names, so far as known, of the persons chargeable with such tax, which certificate, indorsed upon or annexed to the roll, shall be signed by the president and village clerk.

Council to examine roll and certify same to assessor with amounts to be raised, etc.

SEC. 6. Upon receiving the assessment roll, with the certificate of the several amounts to be raised thereon, as provided in the preceding section, the assessor shall proceed to estimate, apportion, and set down in columns opposite to the several valuations of real and personal property on the roll, in proportion to the individual and particular estimates and valuations, the respective sums in dollars and cents, apportionable to each; placing the general fund taxes and all general taxes, except those for highway purposes, in one column; the general highway taxes in another column; the street district taxes in a third column; all special assessment taxes in a fourth column, and shall also set down in another column on the roll, one dollar opposite the name of every person liable to pay a poll tax in the village, and the total of all taxes assessed to each valuation shall be carried into the last column of the

Completing of roll by assessor.

roll. The assessor shall also foot up the amounts carried to the last column as aforesaid and certify upon the roll the aggregate amounts of the taxes levied therein.

Delivery of  
roll to mar-  
shal with  
warrant.

SEC. 7. After extending the taxes as aforesaid, the assessor shall cause said assessment roll, certified under his hand, to be delivered to the village marshal, with the warrant of the assessor and president of the village annexed thereto, directing and requiring him to collect from the several persons named in said roll, the several sums mentioned therein opposite to their respective names, as a tax or assessment, and authorizing him, in case any person named therein shall neglect or refuse to pay such sums, to levy the same by distress and sale of his, her, or their goods and chattels, together with the costs and charges of such distress and sale, and directing him to pay all taxes collected to the treasurer of the village by a certain day therein to be named,—not more than fifty days from the date of said warrant.

Renewal of  
warrant.

SEC. 8. The president and assessor may renew said warrant from time to time, by order of the council, and for such time as the council shall direct.

Apportion-  
ment made  
upon as-  
sessed value.

SEC. 9. Whenever any tax shall be voted by the electors, as provided in chapter twenty-five, the apportionment of the same shall be made upon the assessed value of real and personal estate as set down in the annual assessment roll.

#### COLLECTION OF TAXES.

Collection of  
taxes in ac-  
cordance  
with war-  
rant.

SEC. 10. Immediately upon receiving the tax roll, with the warrant thereto annexed, as provided in section seven, the marshal shall proceed to collect the taxes levied therein according to the direction of said warrant, together with such percentage thereon for collection fees as shall be authorized by the village council.

Distress and  
sale.

SEC. 11. In case any person shall neglect or refuse to pay any tax imposed upon any real or personal property belonging to him, as aforesaid, the marshal shall levy the same by dis-

treas and sale of the goods and chattels of the said person liable to pay the same, wherever such goods and chattels may be found, either in said village or elsewhere in the county where such village is located, first giving public notice of such sale in the manner and for the time required by law in case of such sales made by township treasurers, and for such purpose and for the collection of the taxes aforesaid, the marshal shall have all the powers and perform the like duties, so far as applicable, as are conferred upon or required of township treasurers, in the collection of taxes levied in townships.

SEC. 12. If such goods and chattels distrained as aforesaid shall be sold for more than the amount of the tax and collection fees, including one dollar and fifty cents for the costs of the seizure and sale, the surplus shall be returned to the person entitled to the same. Surplus to be paid to owner of goods.

SEC. 13. Whenever any tax assessed upon personal property in the village shall be returned by the marshal for non-payment, under the provisions of this act, it shall be lawful for the marshal of the village to bring suit, in the name of the village, for the recovery thereof, against the person or persons against whom the tax was assessed, before any court of competent jurisdiction, and to take and use all lawful means provided by law for the collection of debts, to enforce the payment of such tax; and in such cases all the provisions of law applicable to suits and the evidence therein, brought by township treasurers in the name of their township for such purposes, shall apply. Proceedings by suit for collection of taxes.

SEC. 14. Within one week after collecting or receiving any taxes assessed in said roll, the marshal shall pay the same into the village treasury, whether the time for the return of his roll and warrant shall have arrived or not. Marshal to pay over funds in his hands weekly.

SEC. 15. Within one week after the expiration of the time limited in the warrant for the collection of the taxes levied in said roll, or within one week after the time to which said warrant may have been renewed or extended, the marshal shall Return of warrant and tax roll.

**Statement of unpaid taxes** make return of said warrant and tax roll, and a statement on oath, showing the amount of all taxes remaining unpaid, and a description of all lands upon which the taxes remain unpaid, and the amount delinquent upon each parcel. All taxes levied upon lands so returned as delinquent, shall be and remain a lien thereon until paid.

**Taxes a lien on lands.**

**Record of lands returned as delinquent for taxes.**

**Interest.**

**Authority to sell.**

SEC. 16. The treasurer of the village shall preserve, in books to be kept by him for that purpose, a list of all lands returned by the marshal to him as delinquent for taxes assessed thereon as aforesaid; and upon taxes so returned interest shall be charged at the rate of twenty per cent per annum from the date of the warrant until paid. If such taxes and interest shall remain unpaid for the period of one year from the date of said warrant, the treasurer shall cause the land charged with the tax and interest aforesaid, or so much thereof as may be necessary to pay the tax and interest, to be sold at public auction for that purpose.

**Notice of sale.**

SEC. 17. Before any lands shall be sold for delinquent taxes as provided in the preceding section, the treasurer shall give notice for not less than six weeks, by publication once in each week, in a newspaper published in the village, if any shall be printed therein; and if not, then by posting notices, for the same length of time before the sale, in three of the most public places in said village, of the time and place of said sale, with a description of the lands to be sold, and the amount of taxes, charges, and interest remaining unpaid thereon.

**Sale.**

SEC. 18. On the day mentioned in the notice, the treasurer shall commence the sale of the lands upon which any taxes or assessments and interest remain unpaid, and continue the same from day to day until all are sold; and shall sell so much of each description of said lands as will pay the taxes, assessments, interest, and costs of sale, as aforesaid.

**Portion to be sold.**

SEC. 19. If less than the whole of any description or parcel of land shall be sold for the taxes, the portion sold shall be taken from the north end or side of such description. If any

parcel or description of such lands shall not be sold for want of bidders, the treasurer shall bid off the same to and for the village, and shall give a certificate of such sale, which shall have the like effect in all respects as if the same had been given to any other purchaser, except that lands so bid off to the village, shall continue liable to [be] taxed in the same manner as if they were not the property of the village, and such taxes shall be a lien upon such lands. When lands cannot be sold treasurer to bid off for village.

SEC. 20. At such sale the treasurer shall give the purchaser of any such lands a certificate in writing, describing the land purchased, and the amount paid therefor, and stating the time when he will be entitled to a deed of the lands. Certificate of sale.

SEC. 21. At any time within one year after such sale, any person owning any parcel of land so sold or any interest therein, may redeem such land or such interest therein, by paying to the village treasurer the amount for which the land was sold, or such portion thereof as his part interest amounts to, with interest thereon at the rate of twenty per cent per annum. Redemption.

SEC. 22. If any lot or description of land sold as aforesaid, or any part thereof, shall not be redeemed as aforesaid within one year from the date of said sale, the treasurer shall, at the expiration of said year, execute to the purchaser, or to his or her heirs or assigns, a conveyance of the lands sold, or of that part thereof not redeemed, which said conveyance shall, in case all the proceedings previous to the execution of the deed have been regular and according to law, vest in the purchaser or to whomsoever it shall be given, an estate in fee simple; and said conveyance shall be *prima facie* evidence of the regularity of all the proceedings connected therewith, from the valuation of the land by the assessors to the date of the deed inclusive, and of the title in fee of the grantee therein named. And every such conveyance, duly executed and acknowledged by said treasurer, may be given in evidence in the same manner as other deeds of conveyance. Conveyance of land to purchaser. Evidence of regularity of proceedings, etc.

## CHAPTER XXVII.

## FIRES AND FIRE DEPARTMENT.

Ordinances  
and regula-  
tions relative  
to.

SECTION 1. The council of any village shall have power to enact such ordinances, and establish and enforce such regulations as they shall deem necessary to guard against the occurrence of fires, and to protect the property and persons of the citizens against damage and accident resulting therefrom; and for this purpose to establish and maintain a fire department; to organize and maintain fire companies; to employ and appoint firemen; to make and establish rules and regulations for the government of the department, the employes, firemen, and officers thereof; and for the care and management of the engines, apparatus, property, and buildings pertaining to the department.

Fire engines,  
reservoirs,  
etc.

SEC. 2. The council may purchase and provide suitable fire engines and apparatus for the extinguishment of fires; and may sink wells and construct cisterns and reservoirs in the streets, public grounds, and other suitable places in the village, and make all necessary provisions for a convenient supply of water for the use of the department.

Engine  
house.

SEC. 3. The council may also provide or erect all necessary buildings for keeping the engines, carriages, teams, and fire apparatus of the department.

Fire engi-  
neer to be  
chief of de-  
partment.

SEC. 4. The fire engineer shall be the chief of the department, and subject to the direction of the president and the regulations of the council, shall have the supervision and direction of the department, and the care and management of the fire engines, apparatus, and property.

Power of  
engineer and  
other officers  
to command  
citizens to  
aid at fires.

SEC. 5. The fire engineer, president, chief of police, and any trustee or officer of the fire department, may command any person present at a fire to aid in the extinguishment thereof, and to assist in the protection of property thereat. If any person shall willfully disobey any such lawful requirement or other lawful order of any such officer, the officer giving the order may arrest or direct any policeman or citizen to arrest



such person and confine him temporarily until the fire shall be extinguished; and in addition thereto, he shall be punished in such manner as may be prescribed by the ordinances of the village.

SEC. 6. The council may provide by ordinance for the appointment of, and may appoint, such number of fire ward-<sup>Fire ward-  
ens and  
their duties.</sup> ens as may be deemed necessary; and for the examination by them, from time to time, of the stoves, furnaces, and heating apparatus and devices in all dwellings, buildings, and structures within the village; and in all places where combustible or explosive substances are kept; and to cause all such as are unsafe with respect to fire to be put in a safe condition.

SEC. 7. The council may prescribe by ordinance from time <sup>Fire limits.</sup> to time, limits or districts within the village, within which wooden buildings and structures shall not be erected, placed, or enlarged; and to direct the manner of constructing buildings within such districts, with respect to protection against fire, and the material of which the outer walls and roofs shall be constructed.

SEC. 8. The council may also prohibit within such places or <sup>The location  
of shops,  
lumber  
yards, etc.</sup> districts as they shall deem expedient, the location of shops; the prosecution of any trade or business; the keeping of lumber yards; and the storing of lumber, wood, or other easily inflammable material in open places, when, in the opinion of the council, the danger from fire is thereby increased. They <sup>Storing of  
combustible  
and explo-  
sive sub-  
stances.</sup> may regulate the storing of gunpowder, oils, and other combustible and explosive substances, and the use of lights in buildings; and, generally, may pass and enforce such ordinances and regulations as they may deem necessary for the prevention and suppression of fires.

SEC. 9. Every building or structure which may be erected, <sup>Power of  
council to  
remove cer-  
tain build-  
ings.</sup> placed, enlarged, or kept, in violation of any ordinance or regulation made for the prevention of fires, is hereby declared to be a nuisance, and may be abated or removed by the direction of the council.

SEC. 10. The officers, firemen, and employes of the depart-

Compensation of employees of fire department.

ment shall receive such compensation as the council may prescribe; and during their term of service shall be exempt from serving on juries. The council may provide suitable compensation for any injury which any fireman may receive to his person or property in consequence of the performance of his duty at any fire.

Pulling down of buildings to arrest fires.

SEC. 11. The engineer in charge of the department at any fire, with the concurrence of the president or any two trustees, may cause any building to be pulled down or destroyed, when deemed necessary in order to arrest the progress of the fire, and no action shall be maintained against any person or against the village therefor; but if any person having an interest in the building shall apply to the council, within three months after the fire, for damages or compensation for such building, the council may, in their discretion, pay him such compensation as may be just. They may ascertain such damage by agreement with the owner, or by the appraisal of a jury, to be selected in the same manner as in cases of juries to appraise damages for taking private property for public use; and the council may cause the amount of any damages determined upon to be defrayed by a special assessment upon the property which in their opinion was protected or benefited by the destruction of such building; but no damages shall be paid for the amount of any loss which would probably have occurred to such building if it had not been pulled down or destroyed.

Compensation for damages, how ascertained, etc.

Regulation of boats in harbors for prevention of fires.

SEC. 12. The council of any village located upon any of the navigable waters of the State, may by ordinance prescribe such regulations to be observed by owners, masters, and employees of steamboats and water craft as may be necessary for the prevention of fires in the harbor, and to prevent the communication of fire from such boats and craft, and may prescribe in such ordinances the manner of collecting any penalties imposed thereby.

SEC. 13. This act shall take immediate effect.

Approved April 29, 1873.

[ No. 180. ]

AN ACT relative to licensed homestead lands and to provide for taxing the same in certain cases.

SECTION 1. *The People of the State of Michigan enact, That* it shall be the duty of the Commissioner of the State Land Office to furnish to the several county treasurers within this State, during the month of March of each year, a list of all licensed homestead lands therein that have been licensed for a term of five years or over (and upon which patents have not been issued), together with the date of each license and the name of the licensee. Commissioner of Land Office to furnish county treasurers list of certain licensed lands

SEC. 2. Such county treasurer shall, on or before the tenth day of April of each year, cause to be delivered to the supervisor of each township within the county, an accurate description of all such lands within such township. Treasurer to deliver to supervisors a description of such lands.

SEC. 3. The supervisor of every such township shall, at the time of making the annual assessment, examine each and every parcel or description of such land, and if he shall find that the same is occupied he shall assess the same to the occupant or owner thereof at its true cash value, the same as other lands in the same township are assessed: *Provided, That the* same shall be assessed as personal property, and the tax thereon shall be collected in the same manner as other taxes on personal property are by law required to be collected. Supervisor to examine and assess. Provide.

SEC. 4. This act shall take immediate effect.

Approved April 29, 1873.

[ No. 181. ]

AN ACT limiting the right of the Auditor General to cancel the taxes on non-resident lands returned as delinquent for the non-payment of taxes in certain cases.

SECTION 1. *The People of the State of Michigan enact, That* the Auditor General shall not cancel the taxes assessed and levied on any lands heretofore granted in aid of the construction of certain railroads in this State, and commonly called Cancellation of taxes upon rail-road land-grants, how authorized.

railroad lands, and that have been patented to or earned by certain railroad companies, commonly called land-grant railroad companies, unless upon the order or decree of the Supreme Court of this State.

Approved April 29, 1873.

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[ No. 182. ]

AN ACT to amend section seven thousand four hundred and fifty of the compiled laws of eighteen hundred and seventy-one, relative to fees of jurors.

Section  
amended.

SECTION 1. *The People of the State of Michigan enact, That* section seven thousand four hundred and fifty of the compiled laws of eighteen hundred and seventy-one, relative to fees of jurors, be and the same is hereby amended so as to read as follows :

Compensa-  
tion of ju-  
rors.

SEC. 18. Each grand and petit juror, and each talesman, shall be entitled to receive two dollars for each day's attendance, and one dollar for each half day, upon any term of the circuit court, or before any court of record having a seal, on the trial of a cause, and ten cents for each mile traveled in going and returning by the nearest traveled route, to be paid out of the treasury of the county, on the certificate or order of the clerk or judge of such courts; and each juror sworn in any action in a justice's court, or before any officer, in any special proceedings allowed by law, or before any sheriff upon a writ of inquiry, shall be entitled to receive one dollar for each day's attendance, and fifty cents for each half-day's attendance as such juror, the fees for one day's attendance to be paid in the first instance by the party requiring such jury; and in case such jury shall be in attendance more than one day, the fees of such jury for such attendance more than one day, shall be taxed as costs in favor of the prevailing party in such action or proceeding, and when paid to the justice or officer before whom such action or proceeding shall be had, shall be

by such justice or officer, paid to the jurors entitled thereto; and in case such jury shall be in attendance but half a day, the excess of fees paid by the party requiring such jury, shall be returned to such party; and that each juror sworn before any coroner or justice of the peace on any inquest taken by either of them, shall be entitled to two dollars for each day's attendance, and one dollar for each half-day's attendance on such inquest, the accounts of such service to be allowed by the board of supervisors and the board of county auditors of Wayne county, on the certificate of such coroner or justice.

Approved April 29, 1873.

[ No. 183. ]

AN ACT to amend section one of an act entitled "An act to confirm the record of letters of attorney in certain cases," approved April seventeen, eighteen hundred and seventy-one, being section four thousand two hundred and fifty-six of the compiled laws of eighteen hundred and seventy-one, and to add a new section thereto to stand as section two, relative to certified transcript copies of deeds, instruments, and letters of attorneys conveying title to real estate.

SECTION 1. *The People of the State of Michigan enact, That* Section amended.  
 section one of an act entitled "An act to confirm the record of letters of attorney in certain cases," approved April seventeen, eighteen hundred and seventy-one, being section four thousand two hundred and fifty-six of the compiled laws of eighteen hundred and seventy-one, be and the same is hereby amended so as to read as follows, and to add a new section Section added.  
 thereto to stand as section two, relative to certified transcript copies of deeds, instruments, and letters of attorneys conveying title to real estate:

SEC. 1. That any letter of attorney or other instrument containing a power to convey lands, as agent or attorney for the owners of such lands, executed and acknowledged in the manner provided by the statutes of this State for the execution Record or copy thereof proof of execution, etc., in certain cases.

and acknowledgment of deeds or other conveyances of land, and which shall have been actually recorded in the office of the register of deeds of any county in the State prior to the first day of March in the year one thousand eight hundred and forty-seven, may be proved in any court by the production of such record or duly certified copy thereof, and such record or a duly certified copy shall be *prima facie* evidence of the due execution and acknowledgment of such letter of attorney or

Proviso ex-  
cepting St.  
Clair county

other instrument: *Provided*, That the provisions of this act in relation to letters of attorneys shall not apply in any respect whatsoever to the county of St. Clair.

Relative to  
completion  
of record  
when an in-  
strument  
entitled to  
record in  
more than  
one county  
is destroyed  
previous to  
such record

SEC. 2. When deeds and instruments conveying title to real estate, or any letter of attorney or other instrument containing a power to convey lands, as agent or attorney for the owners of such lands, executed and acknowledged in the manner provided by the statutes of this State for the execution and acknowledgment of deeds or other conveyances of land, shall have been actually and regularly recorded in the office of the register of deeds of any of the counties of the State; and when such deeds, mortgages, instruments, or other papers duly executed and designed for and entitled to record in more than one county of the State; and when such original papers have been consumed by fire or otherwise destroyed or lost before such other records have been completed; on satisfactory proof of such loss or destruction being made to the circuit judge of the district wherein such papers have been recorded, he may make an order, authorizing the register of deeds to furnish certified transcript copies of such deeds, mortgages, instruments, or other papers as set forth in this section. When such papers, with the circuit judge's order attached thereto, shall be presented to the register of deeds for any county of this State, it shall be the duty of such register to record the same; and when so recorded, such copy, and the record thereof, shall be as valid and entitled to the same credit in all matters of notice and proof of title as where the originals have been so entered

on record; and a certified copy thereof, and such record or a duly certified copy shall be *prima facie* evidence of the due execution and acknowledgment of such letter of attorney or other instrument: *Provided*, That the provisions of this act shall not apply in any respect whatever to the county of St. Clair. Provide excepting St. Clair county.

Approved April 29, 1873.

[ No. 184. ]

AN ACT to amend section six, being section six thousand seven hundred and ninety-four, chapter two hundred and fifteen, of the compiled laws of eighteen hundred and seventy-one, relative to certain liens upon real property.

SECTION 1. *The People of the State of Michigan enact*, That section six, being section six thousand seven hundred and ninety-four of the compiled laws of eighteen hundred and seventy-one, relative to certain liens upon real property, be and the same is hereby amended so as to read as follows: Section amended.

(6794.) SEC. 6. When by the terms of such contract or contracts any sum shall remain unpaid for sixty days after the same is payable, the contractor or sub-contractor may file his petition in the circuit court in chancery for the county in which the land may lie, either in term time or in vacation, for the enforcement of said lien, and the court, or the judge of said court may make such order for appearance, publication, and answer, as may be proper under the circumstances. The petition shall contain a brief statement of the contract or contracts, and of the amount due thereon, with a description of the premises which are subject to the lien, and all other material facts or circumstances, and shall pray for a sale or other disposition of the premises to satisfy the said lien. The said court, or judge thereof, shall proceed to hear the matter, either in term or vacation, as shall be directed by said court or judge in each case, from time to time; and every act, mat- When contractor may file petition in chancery. Contents of petition. Power of court or judge to hear in term or vacation.

Amend-  
ments to  
proceedings.

Court may  
order further  
notice.

Testimony  
must be re-  
duced to  
writing.

What shall  
constitute  
the record of  
a case.

ter, or thing, which this chapter provides shall be done by the court, may be done in term or in vacation. Amendments to all proceedings and pleadings shall at all times be allowed for the furtherance of justice. If, at any time during the progress of the proceedings, it shall appear that any person interested has not had sufficient notice of any of said proceedings, the court may order such further notice as may be considered just and effectual. All testimony taken or used at such hearing shall be reduced to writing; and such testimony and all affidavits and exhibits, and all orders made in the progress of the proceedings, shall be filed with the register of said court, and, together with the pleadings and the final order or decree shall constitute the record of the case.

SEC. 2. This act shall take immediate effect.

Approved April 29, 1873.

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[ No. 185. ]

AN ACT establishing a lien for labor and services upon logs and timber.

Lien for  
labor, etc.,  
to take pre-  
cedence.

SECTION 1. *The People of the State of Michigan enact, That* any person or persons that may perform any labor or services in falling, cutting, hauling, banking, driving, or running any logs or timber in this State, shall have a lien thereon for the amount due for such labor or services, and the same shall take precedence of all other claims thereon.

Claim not  
to remain a  
lien unless  
petitioner  
shall file  
statement.

SEC. 2. No such debt, demand, or claims shall remain a lien on such logs or timber unless a petition or statement thereof, in writing, made under oath by the petitioner, or some person in his behalf, shall be made and filed in the office of the clerk of the circuit court in the county in which such labor or service was performed, or in the county in which such logs or timber may be stored, at the time or times hereinafter specified. Such statement or petition shall set forth and state the nature of such demand or claim, the amount due the petitioner, as

What peti-  
tion shall  
set forth.



near as may be, and the description of the logs or timber upon or against which the lien is claimed. Such petition shall also set forth such other facts respecting any agreement or contract for labor or services by any contractor, sub-contractor, or jobber, the time and place when and where such labor was performed, and such other facts as may be necessary to show the ownership of the property and the necessity.

SEC. 3. All such petitioners' statements shall be filed within thirty days after the completion or last day of such labor or services, and suit shall be commenced for the recovery and enforcement of such claim or demand under the provision of this act, within three months after the filing of such statements or petitions.

When petition must be filed and suit commenced.

SEC. 4. Any person or persons having a lien upon or against any logs or timber under the provisions of this act, or any other law of this State, may enforce the same by attachment against such logs or timber, in the circuit court of this State; and the proceedings and process in such cases shall be upon the conditions, and in the manner provided and prescribed in chapter two hundred and one of title thirty-two of compiled laws of eighteen hundred and seventy-one, entitled, "Of proceedings against debtors by attachment," so far as the same can be made applicable, and not hereinafter otherwise provided; but before any attachment shall be executed the petitioner or claimant, or some one in his behalf, shall make and annex thereto an affidavit setting forth the amount of indebtedness, as near as may be, over and above all legal set-offs, and such affidavits shall also show that the indebtedness is due for, and on account of, such labor or service on such logs or timber as entitles the plaintiff to lien thereon, describing as particularly as may be the logs and timber; and such affidavit shall further set forth that the plaintiff has filed his petition, or statement of lien herein required.

Lien may be enforced by attachment.

Proceedings and process.

Affidavit to be annexed to attachment, what it shall set forth.

SEC. 5. All suits or proceedings in these premises, in the circuit court, shall be commenced and prosecuted as any other

How suits shall be commenced and prosecuted in circuit court.

civil suit, with the power and provision of proceedings by attachment against the property upon which lien is claimed or founded, as is provided in proceedings by attachment by chapter two hundred and one of title thirty-two of the compiled laws of eighteen hundred and seventy-one, so far as the same are applicable and except as herein otherwise provided.

Attachment to require officer to attach and keep logs, etc.

SEC. 6. The attachment shall require a sheriff or other proper officer to attach and safely keep the logs and timber described in such affidavit, or so much thereof as may be necessary to satisfy the claim of the plaintiff, with all costs, disbursements, charges, and expenses: *Provided*, That no sheriff or other officer shall assess, attach, or levy upon any such logs or timber when in transit from the place where cut to the place of destination, when such place of destination be within this State.

Proviso.

Not to issue in circuit court unless amount due is one hundred dollars.

SEC. 7. No attachment shall be issued under the provisions of this act, in any of the circuit courts of this State, unless the amount stated in affidavit as due to the plaintiff, over and above all legal set-offs, shall be the sum of one hundred dollars and upwards, but in cases where two or more persons employed as laborers shall have claims for labor or services against any logs or timber in sums of less than one hundred dollars each, and when such claims shall have occurred at the same times for the same parties and upon the same logs or timber, it shall be lawful for all the persons claiming to unite in a statement or petition as hereinbefore provided, and may designate one of their number or any other competent person their attorney for prosecuting such lien or any suit necessary to enforce the same, and such statement shall be received and treated as one lien, and suit or attachment may be brought as for one claim and concluded as one cause or suit.

Several persons may unite when claim of each is less.

When justices of the peace shall have jurisdiction.

SEC. 8. Justices of the peace within their respective counties shall have cognizance and jurisdiction of all cases arising under this act when the amount claimed over and above all

legal set-offs, does not exceed three hundred dollars, and any person or persons having such lien shall be entitled to proceed by attachment in justices' courts against the property on which he or they have such lien, for the enforcement of the same, in the manner prescribed in that portion of chapter one hundred and seventy-eight of the compiled laws of eighteen hundred and seventy-one relative to attachments, so far as the same is applicable and not regulated by this act.

Before the issuing of any attachment in such case, the plaintiff or some one in his behalf shall make and file with such justice of the peace an affidavit, as required by section two of this act, and no other or further affidavit shall be required.

Affidavit to be filed before issuing of attachment.

SEC. 9. Before any suit shall be commenced to enforce such lien, the person or persons claiming such lien shall give the owner or owners of such logs or timber, their proper agent or attorney, if such owner or owners, their agents or attorneys be known by him, a notice in writing upon them of the filing of the petition or application for a lien, which notice shall state the time and place of filing such application or petition, and the amount claimed thereon, the marks or other description of the logs or timber upon which the lien is claimed, and the name of the party for whom the labor was performed. Such notice may be served personally or by depositing the same in the postoffice, directed to the owner of the logs or timber, his agent or attorney, at his or their place of residence, and paying the full postage thereon; and if personally served, notice shall be given five days previous to commencement of suit, and if by mail, no action shall be commenced until fifteen days after the mailing of the same. Any person owning or claiming any of said logs or timber, or their agents or attorneys, may appear and defend the same as if made parties to said suit. No action or lien under the provisions of this act shall be defeated by the taking of a note unless it is taken in discharge of the amount due and of the lien. The plaintiff shall allege in his declaration the filing of such application or

Notice of filing of petition to be served on owner.

What notice shall state.

Service of notice.

Who may defend.

Effect of taking note as to defeating action or lien.

What plaintiff shall allege in declaration.

petition for a lien, and all allegations relating thereto shall be taken to be true unless expressly denied by the defendant, his agent or attorney, in his or their answer under oath.

Clerk of court to file application

SEC. 10. The clerk of the circuit court of the proper county shall receive and file all applications or petitions authorized by this act, and shall file the same in his office, for which he shall receive twenty-five cents, and when demanded, shall give a certified copy thereof, for making which he shall be entitled to the same compensation per folio as is allowed for registers of deeds for making copies of records; and any such certified copy may be received and introduced as evidence in any of the courts of this State.

Fees for same, etc.

Certified copies evidence in court.

Approved April 29, 1873.

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[ No. 186. ]

AN ACT to amend section fifty-seven of chapter one hundred and seventy-six, being section five thousand and ninety-three of the compiled laws of eighteen hundred and seventy-one, relative to cases in chancery.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section fifty-seven of chapter one hundred and seventy-six, being section five thousand and ninety-three of the compiled laws of eighteen hundred and seventy-one, relative to cases in chancery, be amended so as to read as follows:

Concerning right of either party to examine witnesses.

(5093.) SEC. 57. Either party to a cause in chancery shall have the right to an examination of all the witnesses in the case, in open court, as in a suit at law, if within ten days after the cause is at issue he gives notice in writing to the opposite party of his intention to claim such right, in which case no commission shall issue, nor examination of witnesses be had before a circuit court commissioner, but the cause shall be heard in its course on the calendar by examination of witnesses in open court, unless the court, on cause shown, shall otherwise direct as in a suit at law: *Provided*, That if notice

shall not be given at the time and in the manner aforesaid, & Proviso. commission may be issued and the testimony of the witnesses in said cause taken before a circuit court commissioner as provided by the rules and practice of said court: *And provided* Further proviso. *further*, That in case any cause in chancery shall be so tried in open court, either party shall be entitled to make and settle a case setting forth the evidence at large before the judge who tried the same, at such time and in such manner as said judge shall direct, or as shall be prescribed by the rules of said court. And upon the making and filing of such case, within thirty days after such trial, the same shall be taken and deemed to be the evidence in said cause, to the same extent and with the like effect as if the said testimony had been taken before a circuit court commissioner and certified by him.

Approved April 29, 1873.

[ No. 187. ]

AN ACT to amend an act entitled "An act to facilitate the commencement of suits against joint defendants residing in several counties," the same being section five thousand seven hundred and forty-eight of the compiled laws of eighteen hundred and seventy-one.

SECTION 1. *The People of the State of Michigan enact*, That Section amended. section one of an act entitled "An act to facilitate the commencement of suits against joint defendants residing in several counties," the same being section five thousand seven hundred and forty-eight of the compiled laws of eighteen hundred and seventy-one, be and the same is hereby so amended as to read as follows:

SECTION 1. *The People of the State of Michigan enact*, That When plaintiff may sue out writ against defendant in another county. when an action on any contract or obligation, or an action of ejectment, or an action for trespass on lands, or an action of trespass on the case for injuries to real estate, shall have been or shall be brought in any circuit court of this State against two or more joint defendants, one or more of whom shall not

May serve  
copy of dec-  
laration with  
notice of rule

Duty of  
sheriff.

Proviso.

reside or be found in the county where the suit shall be brought, and one or more of the defendants shall be served with process or declaration in the county where suit is commenced, or property in his or their possession shall be attached in said county, the plaintiff in such action may sue out one or more writs of summons, or other writ whereby such suit was commenced, directed to the sheriff of the county where such defendants not so served may be found, or where the property liable to be attached may be, or he may cause a copy of the declaration filed in such cause, with notice of the rule to plead to be served on the defendants not elsewhere served in any other county in this State; and it shall be the duty of such sheriff to serve such process or declaration or notice, and make return thereof to the county clerk of the county where the suit is commenced: *Provided*, That in any such action on any contract or obligation such joint defendants are original parties to such contract or obligation, and not made parties thereto by being endorsers or guarantors of such contract or obligation.

SEC. 2. This act shall take immediate effect.

Approved April 29, 1873.

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[ No. 188. ]

AN ACT to amend sections fifty and fifty-one, being compiler's sections six thousand two hundred and fifty-two and six thousand two hundred and fifty-three, chapter one hundred and ninety-five, compiled laws of eighteen hundred and seventy-one, relative to the action of ejectment.

Sections  
amended.

SECTION 1. *The People of the State of Michigan enact*, That sections fifty and fifty-one, being compiler's sections six thousand two hundred and fifty-two and six thousand two hundred and fifty-three of chapter one hundred and ninety-five of the compiled laws of eighteen hundred and seventy-one, relative to the action of ejectment, be amended so as to read as follows:

(6252.) SEC. 50. Whenever, in any action of ejectment, the plaintiff, or any one or more of the plaintiffs, if there be more than one, shall recover, the defendant or defendants shall be allowed compensation for buildings and improvements on the premises recovered, erected, or made by him or them, or by any person through whom he or they claim title, to the extent that such buildings and improvements shall increase the present value of said premises.

Compensation allowed defendant in ejectment for buildings, etc.

(6253.) SEC. 51. In all actions of ejectment, if any defendant wish to avail himself of the provision for compensation contained in the last preceding section, he may file a claim, in writing, to compensation for buildings and improvements on the premises in controversy, and a request that the jury find and determine the increased value of the premises by reason thereof, a copy of which, with notice of filing, shall be served on the plaintiff or his attorney at least ten days before the first day of the term at which such cause may be tried. The plaintiff may then file a request, in writing, that the jury also find and determine what would have been the value of the premises at the time of trial if no buildings had been erected, or improvements made, or waste committed, a copy of which, with notice of filing, shall be served on the defendant or his attorney at least five days before the first day of the term at which such cause may be tried. The jury in all cases in which the above matters shall be submitted to them, shall, by their verdict, if they find for the plaintiff, also find and determine upon said matters.

Estimating value of improvements and value of premises.

SEC. 2. This act shall take immediate effect.

Approved April 29, 1873.

[ No. 189. ]

AN ACT to amend section eleven of chapter one hundred and fifty of the revised statutes of eighteen hundred and forty-six, as amended by act one hundred and thirty-four of the session laws of eighteen hundred and sixty-seven, entitled "An act to amend sections eleven and thirteen of chapter one hundred and fifty of the revised statutes of the year of our Lord eighteen hundred and forty-six, the same being sections fifty-six hundred and forty-seven and fifty-six hundred and forty-nine of the compiled laws," approved March twenty-seven, eighteen hundred and sixty-seven, said section being section seven thousand four hundred and forty-three of the compiled laws of eighteen hundred and seventy-one, relative to the fees of sheriffs.

Section  
amended.

SECTION 1. *The People of the State of Michigan enact*, That section eleven of chapter one hundred and fifty of the revised statutes of eighteen hundred and forty-six, as amended by act one hundred and thirty-four of the session laws of eighteen hundred and sixty-seven, entitled, "An act to amend sections eleven and thirteen of chapter one hundred and fifty of the revised statutes of the year of our Lord eighteen hundred and forty-six, the same being sections fifty-six hundred and forty-seven and fifty-six hundred and forty-nine of the compiled laws," approved March twenty-seven, eighteen hundred and sixty-seven, the same being section seven thousand four hundred and forty-three of the compiled laws of eighteen hundred and seventy-one, be and the same is hereby amended so as to read as follows :

Fees of  
sheriff.

Summons.

Traveling.

(7443.) SEC. 11. For serving a summons, writ of replevin, or other process by which a suit shall be commenced in a court of law, or a subpoena to appear and answer in chancery, seventy-five cents, when service is made on one defendant only, and for the service on each additional defendant, twenty-five cents. For traveling in making such service, on the usual traveled route, ten cents per mile for going only, to be computed in all cases from the court-house of the county in which the service is made, or from the place where the court has usually been held



therein. For taking a bond of a plaintiff in replevin, or taking a bond on the arrest of a defendant, or in other case where he is authorized to take the same, fifty cents. For a certified copy of such bond when requested, twenty-five cents. For a note of every *capias* delivered to a defendant on request, six cents. For a copy of every summons, *scire facias*, or declaration served by him, when made by the sheriff, six cents for each folio. For a copy of every other writ, when demanded or required by law, twenty-five cents. For serving an attachment for the payment of money, or an execution for the payment of money, or a warrant issued for the same purpose, and delivered to him by the county treasurer or any supervisor, for collecting the sum of two hundred and fifty dollars or less, two and a half per cent, and for any sum more than two hundred and fifty dollars, one and one-quarter per cent. Advertising goods or chattels, lands or tenements, for sale on any execution, if a sale be made, one dollar; and if the execution be stayed or settled, after advertising and before sale, fifty cents. The fees allowed by law and paid to any printer by such sheriff, for publishing an advertisement of the sale of real estate for not more than six weeks, and for publishing the postponement of any such sale, the expense shall be paid by the party requiring the same. The fees herein allowed for the service of an execution, and for advertising thereon, shall be collected by virtue of such execution in the same manner as the sum therein directed to be levied; but when there shall be several executions against the defendant, at the time of advertising his property, in the hands of the same sheriff, there shall be but one advertising fee charged on the whole, and the sheriff shall elect upon which execution he will receive the same. For every certificate on the sale of real estate, fifty cents; and for each copy thereof, twenty-five cents; which, together with the register's fee for filing the same, shall be collected as other fees on execution. For drawing and executing a deed pursuant to a sale of real estate, one dollar, and whatever sums may be necessa-

Taking bond.

Note of *capias*.

Copy of summons.

Copy of writ.

Serving attachment.

Advertising sales.

Execution.

Several executions.

Certificate of sale.

Executing deed.

Writ of possession.	rily paid by such officer for United States revenue stamps for such deed, to be paid by the grantee in such deed. Serving a writ of possession or of restitution, putting any person entitled into the possession of the premises, and removing the occupant, one dollar, and the same compensation for traveling as
Bond.	is herein allowed on other writs. Taking a bond for the liberties of the jail, fifty cents. Summoning a jury upon a writ of inquiry, attending such jury, and making and returning the inquisition, one dollar and fifty cents. Summoning a special jury struck pursuant to an order of the court, and returning the panel, one dollar and fifty cents. Summoning a jury pursuant to any precept or summons of any officer, in any special proceeding, one dollar; and for attending such jury when required, fifty cents. Bringing up a prisoner upon <i>habeas corpus</i> , to testify or answer in any court, one dollar; and for traveling each mile from the jail, thirteen cents. For attending any court with such prisoner, one dollar per day, besides actual necessary expenses. Bringing up a prisoner upon a <i>habeas corpus</i> , with the cause of his arrest and detention, one dollar; and for traveling, thirteen cents for each mile from the jail.
Habeas corpus, to testify.	
Attending with prisoner.	
Habeas corpus, with cause.	
Surrender of prisoner.	Attending before any officer with a prisoner, for the purpose of having him surrendered in exoneration of his bail, or attending to receive a prisoner so surrendered, who was not committed at the time, and receiving such prisoner into his custody, in either case, one dollar. Attending a view, when ordered by the court, one dollar and fifty cents per day, including the time occupied in going and returning. Serving an attachment upon any ship, boat, or vessel, in proceedings to enforce any lien thereon created by law, seventy-five cents, with such additional compensation for his trouble and expenses in taking possession of and preserving the same, as the officer issuing the warrant shall certify to be reasonable. For making and returning an inventory and appraisal to the appraisers, one dollar for each day actually employed, and fifty cents for each half day; and for drafting the inventory, twenty-five
Attending view.	
Attaching ship, etc.	
Inventory and appraisal.	

cents for each folio ; and for copying the same, six cents for each folio. For selling any ship, boat, or vessel, or the tackle, <sup>Selling ship, etc.</sup> apparel, and furniture thereof so attached, and for advertising such sale, the same fees as for sales on execution. For giving <sup>Notice of election.</sup> notice of a general or special election to the inspectors of the different townships and wards of his county, fifty cents for each township or ward, and the expenses of publishing such notice as required by law ; such fees and expenses to be paid by the county as other contingent expenses thereof. For any <sup>Constable.</sup> services which may be rendered by a constable, the same fees as are allowed by law for such services to a constable. For <sup>Supreme court.</sup> attending the Supreme Court, by the order of the court, two dollars and fifty cents for each day, to be allowed by the Auditor General on the certificate of the clerk, and paid out of the State Treasury. For attending a circuit court, by the <sup>Circuit court</sup> order of the court, one dollar and fifty cents for each day, except in the county of Wayne, where it shall be two dollars and fifty cents for each day, to be allowed and paid by the county in the same manner as other contingent charges of the county. For summoning grand or petit jurors to attend the <sup>Summoning jurors.</sup> circuit court, fifty cents for each juror summoned. Serving a <sup>Serving subpoena.</sup> subpoena for witnesses, fifteen cents for each witness summoned, and ten cents for each mile actually traveled in going only ; but when two or more witnesses live in the same direction, traveling fees shall be charged only from the farthest. Keeping and providing for a debtor in jail, in all cases where <sup>Keeping debtor in jail</sup> the debtor is unable to support himself, fifty cents for each day, to be paid by the creditor each week in advance, and which sum the creditor shall be entitled to recover from the debtor. For mileage on every execution collected, ten cents per <sup>Mileage on execution.</sup> mile for going only, to be computed from the court-house of his county. For selling lands on the foreclosure of a mortgage by <sup>Sale on foreclosure.</sup> advertisement, and executing a deed to the purchaser, and for all services required on such sale, three dollars. And any sheriff <sup>Penalty for overcharge.</sup> or other officer who shall demand or receive any greater

Penalty for neglecting to perform services.

fees or compensation for performing any of the services hereinbefore mentioned, than is hereinbefore allowed, shall, in addition to all other liabilities now provided by law, be liable to the party injured, or paying such illegal fees, in three times the amount so demanded, received, or paid, together with all costs of suit or prosecution ; and any sheriff or other officer neglecting or refusing to perform any of the services required by this act, after the fees specified have been tendered, shall be liable to the party injured, for all damages which he may sustain by reason of such neglect or refusal.

SEC. 2. This act shall take immediate effect.

Approved April 29, 1873.

[ No.190. ]

AN ACT to authorize railroad companies to convey their franchises and property under certain circumstances.

Sale of property and franchises of railroad companies authorized.

SECTION 1. *The People of the State of Michigan enact,* That it shall be lawful for any railroad company in this State which shall have entered, in good faith, upon the work of constructing its road, and shall have become unable to complete the construction of the same or of any part thereof, to sell, and convey the whole or any part of its road so partially completed, together with the rights and franchises connected therewith, to any other railroad company or corporation of this State not having the same terminal points and not being a competing line: *Provided,* That at any general or special meeting duly called for that purpose the stockholders carrying [owning] two-thirds of the stock of said company shall consent thereto: *And provided further,* That the company or corporation so purchasing shall hold such property and franchises, subject to all the obligations and duties, and with all the rights and privileges prescribed by the general railroad law of this State.

Proviso.

Further proviso.

Conveyance; by whom and how executed.

SEC. 2. Such conveyance shall be executed by the secretary of the company under its corporate seal, and there shall

be attached thereto a copy of the resolution passed at the stockholders' meeting authorizing the same, which shall be certified to by the secretary of said company. Such conveyance, with said resolution, shall be recorded in the office of the register of deeds in every county in which the property so conveyed may be situated, and a copy thereof shall be filed in the office of the Secretary of State.

Copy of resolution to be attached.

Where recorded.

Copy of, where filed.

SEC. 3. Nothing in this act contained shall be construed as rendering valid any conveyance which shall in any manner interfere with the rights of creditors: *Provided, That* the company so buying such railroad shall complete the same within five years from the date of purchase, or said sale shall be void.

Act not to interfere with rights of creditors.

Provide.

Approved April 29, 1873.

[ No. 191. ]

AN ACT to bar the right of dower of insane, imbecile, or idiotic married women.

SECTION 1. *The People of the State of Michigan enact, That* whenever the wife of any person shall have become insane, imbecile, or idiotic, or for any cause shall be unable from defective intellect to join her husband in the conveyance of real estate, and shall have remained in that condition for more than two years, or when it shall be made to appear to the court that such married woman is incurably insane, she may be barred of her right of dower in the lands of her husband, in manner following, to wit:

When insane, imbecile, or idiotic women may be barred of right of dower.

SEC. 2. The husband, or any person interested in any such real estate, may apply to the circuit court in chancery of the county where such lands, or any part of such lands are situated, by petition under oath for the appointment of a guardian, and for leave to sell her inchoate right of dower; which petition shall state—

Petition for appointment of guardian what it shall state.

*First,* The name, age, and residence of such married woman,

and the name, residence, and age of her husband, as near as can be ascertained;

*Second*, The nature of the disability of said married woman, and the length of time it has existed;

*Third*, A full description of the lands and premises in this State to be affected by such proceedings;

*Fourth*, The value of each piece of real estate, and the amount of incumbrance upon it (if any), not affected by, or prior to, her claim of dower;

*Fifth*, If the real estate is to be sold by the husband, or has been sold by him, the exact amount of the consideration of such sale as made or agreed upon;

*Sixth*, The reasons why such sale is desirable to said husband or petitioner.

Court to order that petition be heard and notice of hearing given.

SEC. 3. Upon the filing of such petition, the said circuit court in chancery shall enter an order that the petition be heard on a certain day, and notice of the hearing be given by publication or otherwise, in such manner and to such persons as said court shall direct.

Appearance and answer of wife.

SEC. 4. At such hearing the said wife may appear in person, or by counsel, or by guardian *ad litem* appointed as in other cases by said court, and may answer such petition in the time and manner said court may direct; and upon the filing of an answer the case shall be deemed at issue. When the case is at issue, or if the said wife shall fail to appear, the court may proceed summarily upon oral or written evidence taken under its order, to hear and determine the case; or, at its discretion, may refer it to a circuit court commissioner, or a special commissioner appointed by the court for the purpose, to take proofs and report the same to the court with his opinion—

When wife fails to appear, court may hear case or refer it to a commissioner to take proofs and report.

Contents of report.

*First*, As to the insanity or imbecility of the respondent;

*Second*, As to propriety or necessity of selling said real estate, or of barring said respondent's right of dower therein;

*Third*, The cash value at that time of her dower interest in said premises, taking into consideration the respective ages of

said husband and wife. Upon the coming in of said report the court shall consider the same, and enter such order as shall be just and equitable. If said court shall decide that the respondent is insane, and that it is desired that the right of dower should be barred, it shall fix the then present value of such dower, and thereafter shall appoint a guardian of such insane person, who shall be some person other than her husband, who shall give bond in a sum to be fixed by the court, with surety or sureties, to be approved by the court, conditioned to receive and invest any moneys that may come into his hands for her sole use and benefit, under the order and direction of the court, both as to its investment and to the disposition of the income thereof.

SEC. 5. Upon the approval of such bond said guardian may proceed and sell at private sale, as such guardian, the interest of such married woman in said land, at a sum not less than the value of said dower as fixed by said court. He may join with the husband in such conveyance, or if the husband has previously sold and conveyed said property, may, by separate conveyance, deed said right of dower to the husband's grantee or grantees, his or their heirs and assigns, but to no other person. Said conveyance shall in all cases be as effective to bar the right of dower of said married woman as if she had, being in sound mind, joined her husband in a deed of said premises.

SEC. 6. Said guardian shall apply the income of said money to the support of said married woman, or allow the same to accumulate, as the court shall direct; and upon the restoration of said married woman to a sound mind shall, upon the order of the court, transfer to her all the funds in his hands, and upon her death, shall deliver the same to her husband, if he shall be living at her death; if not living, then to her personal representatives.

SEC. 7. This act shall take immediate effect.

Approved April 29, 1873.

[ No. 192. ]

AN ACT to establish the right to the care and custody of minor children in case of the separation of husband and wife, being the father and mother of said minor children.

Care and custody of minor children when husband and wife separate.

SECTION 1. *The People of the State of Michigan enact, That* in case of the separation of husband and wife, having minor children, the mother of said children shall be entitled to the care and custody of all of such children under the age of twelve years; and the father of such children shall be entitled to the care and custody of all of such children of the age of twelve years and over: *Provided, That* nothing in this act shall prevent any court of competent jurisdiction from making and enforcing any such order or orders as it may deem just and proper as to the care and custody of such minor children, in the same manner and with like effect as it could if this act had not been passed.

Proviso.

Approved April 29, 1873.

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[ No. 193. ]

AN ACT to amend section eighty-four of chapter one hundred and thirty-six, being section three thousand six hundred and fifty-three of the compiled laws of eighteen hundred and seventy-one, relative to primary schools.

Section amended.

SECTION 1. *The People of the State of Michigan enact, That* section eighty-four of chapter one hundred and thirty-six, being section three thousand six hundred and fifty-three of the compiled laws of eighteen hundred and seventy-one, relative to primary schools, be amended so as to read as follows:

Amount of taxes, how certified.

(3653.) SEC. 84. The full amount of all taxes to be levied upon the taxable property in such district shall be certified by the district board to the supervisor of each of such townships, and each of said supervisors shall certify to each other supervisor within whose township such district is in part situated, the



amount of taxable property in that part of the district lying in his township: *Provided*, That where there exists a manifest difference in the valuation of property assessed in fractional districts, composed of territory in adjoining counties, such valuation may be equalized for this specific purpose by the township board of the townships interested, at a joint meeting held for that purpose, on application of either of the supervisors of said townships. And such supervisors shall respectively ascertain the proportion of such taxes, to be placed on their respective assessment rolls, according to the amount of taxable property in each part of such district.

Proviso  
as to equal-  
ization in  
certain cases

SEC. 2. This act shall take immediate effect.

Approved April 29, 1873.

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[ No. 194. ]

AN ACT to repeal an act entitled "An act to provide for a tax upon dogs."

SECTION 1. *The People of the State of Michigan enact*, That an act entitled "An act to provide for a tax upon dogs," approved March sixteen, eighteen hundred and sixty-five, be and the same is hereby repealed.

SEC. 2. This act shall take immediate effect.

Approved April 29, 1873.

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[ No. 195. ]

AN ACT to provide for licensing the keeping of dogs.

SECTION 1. *The People of the State of Michigan enact*, That every person who shall own or keep a dog shall procure a license therefor, from the clerk of the township or city in which he may reside, for which he shall pay to such clerk as follows: For a male dog one dollar, for a female dog three dollars;

License ob-  
tained of  
township or  
city clerk.

Fee.

**Amount.** which license shall run and be in force from the day of its  
**How long to** date to the first day of April next thereafter. He shall cause  
**be in force**  
**Collar.** the dog to wear around its neck, during the life of the license,  
and no longer, a collar distinctly marked with its owner's  
name and registered number.

**When clerk** SEC. 2. The clerk, on proper application and payment, as  
**shall issue.** herein provided, shall issue such license. It shall be dated,  
**What to** shall contain the name of the person to whom, and a descrip-  
**contain.** tion of the dog for which issued, the sum paid for it, and a  
statement of the time when it will run out. All licenses for  
**To be num-** any one year, commencing the first day of April, shall be num-  
**bered.** bered consecutively in the order in which issued, commencing  
**To be re-** with number one. The clerk shall register, in a book to be  
**corded.** kept by him for that purpose, the name of each licensee,  
description of his dog as in the license, the number of the  
**Police offi-** license, and the amount paid. The said clerk shall, on request,  
**cers, etc.,** permit any police officer or constable of his township or city  
**may take** to take copies of such register. The clerk may retain twenty  
**copies.**  
**Clerk's fees.** cents for each license given by him, and shall pay the balance  
of the money received for licenses into the township or city  
treasury; and the moneys received for licenses for any one  
**Moneys for** year, and thus paid into the treasury, shall constitute a fund  
**licenses to** for the payment of damages which any person or persons may  
**constitute a** sustain by the killing or wounding of sheep or lambs, by a dog  
**fund for pay-** or dogs, within such township or city during such year.  
**ment of**  
**damages.**

**Damages to** SEC. 3. When any person shall be damaged by the killing or  
**be estimated** wounding of his sheep or lambs by a dog or dogs, he may call  
**by a justice** on a disinterested justice of the peace of his township or city,  
**and certified** not of kin to such person, and not a member of the township  
**by him to** board, who shall proceed to view the sheep or lambs so killed  
**clerk.** or wounded, and if from such view he shall be satisfied that  
the same were killed or wounded by a dog or dogs, he shall  
make a certificate thereof in writing, stating the amount of  
damage sustained by such person, and shall deliver the same

to the clerk of said township or city, who shall file the same in his office, and record it in the records of the township or city. The said justice shall receive for his services in each case the sum of two dollars, and ten cents for each mile actually and necessarily traveled by him in performing such service, to be paid out of the aforesaid fund, on the order of the township board or proper city officer or officers.

SEC. 4. At the annual meeting of the township board in each year, and at a meeting of the common council of each city, in March or April of each year, the said board or council, as the case may be, shall examine all certificates of damage filed by the clerk as aforesaid, during the preceding year, and if satisfied that in any case or cases the certified damages are excessive, they may reduce the same to such amount as they may consider just, and may order the payment of all such damages as they may consider just, out of the fund aforesaid, if it be sufficient for that purpose; and if not sufficient, they may order a proportionate payment of each claim. If anything remains of such fund, after satisfying all claims on it as aforesaid, it shall be apportioned among the several school districts of such township or city, in proportion to the number of children therein of school age: *Provided*, That no payment of damages shall be made, as provided for in this section, unless the party applying for the same shall make it appear to the satisfaction of the township board or common council, that he has made all due effort and has not been able to obtain satisfaction therefor from the owner or owners of the dog or dogs which shall have done the damage: *And provided further*, That if any dog or dogs for which a license or licenses shall have been given by the clerk of any township or city, shall kill or wound any sheep or lambs, in any adjacent township or city, and the owner of such sheep or lambs shall not be able to obtain satisfaction therefor from the owner of such dog or dogs, the damage or a proportionate part thereof shall

Fee  
tice.

Township  
board or  
common  
council to  
examine  
certificates  
and order  
payment of  
just dam-  
ages.

Fund re-  
maining,  
how appor-  
tioned.

Proviso.

Proviso  
relative to  
dogs killing  
sheep in  
adjacent  
townships,  
etc.

be paid out of the license fund of the township or city by the clerk of which such license or licenses were given, in the same manner, and subject to the same proceedings, as near as may be, as if such damage had been done in such township or city.

Penalty for keeping dogs contrary to provisions of act.

SEC. 5. Whoever shall keep a dog contrary to the provisions of this act, shall forfeit the sum of ten dollars, to be recovered with costs, in an action of debt or assumpsit, in the name and for the use of the people of this State.

Duty of police officers, etc., to kill dogs not licensed and collared.

SEC. 6. Any person may, and it shall be the duty of every police officer and constable of any township or city, to kill any and all dogs going at large, and not licensed and collared according to the provisions of this act, and such officers shall be entitled to receive from the township or city treasury fifty cents for each dog so killed by them.

Compensation.

In cities having no clerk who shall perform his duties.

SEC. 7. In cities having no clerk, the officer who shall have the custody of the records of the common council shall have the powers conferred upon, and perform the duties required of the clerk, by this act.

Acts repealed.

SEC. 8. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved April 30, 1873.

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[ No. 196. ]

AN ACT to revise and amend an act entitled "An act to encourage the erection and support of water-power manufactories," approved March twenty-one, eighteen hundred and sixty-five, the same being chapter two hundred and twenty-one of the compiled laws of eighteen hundred and seventy-one.

Act revised and amended

SECTION 1. *The People of the State of Michigan enact, That* an act entitled, "An act to encourage the erection and support of water-power manufactories," approved March twenty-one,

eighteen hundred and sixty-five, the same being chapter two hundred and twenty-one of the compiled laws of eighteen hundred and seventy-one, be and the same is hereby revised and amended so as to read as follows:

SEC. 2. Whenever any person shall desire to erect and maintain a water-power mill on his own land, or upon the land of another with his consent, or who has heretofore erected any such mill, and who shall desire to erect and maintain a dam on the same for the purpose of operating such mill by water-power, which dam flows or will flow water upon land belonging to any other person, he may obtain the right to flow such land upon the terms and conditions, and in the manner hereinafter set forth. <sup>Right of flowage.</sup>

SEC. 3. Any person desiring to flow, or who has already flowed land by the erection of a dam for the purposes aforesaid, may, if he cannot agree with the owner or owners of such land, as to the amount of damages to be paid, present a petition to either the probate or circuit court for the county where the land overflowed or to be overflowed, or any part thereof, is situated, for the appointment of three commissioners; which said petition shall set forth and contain such a description of the land overflowed or to be overflowed, and of the dam, its location, height, or proposed height, as that the record will show with certainty the matter that shall be determined. It shall also set forth the object and purpose of the petitioner, and that it is his intention in good faith to erect, construct, and maintain, or to maintain if already constructed, a dam for the purpose of operating a water-power mill, particularly describing such mill, and whether it is for the public use. The petition shall also state the quantity of land overflowed or to be overflowed, as near as the same can reasonably be ascertained, that is necessary and required for the creation of such water-power and the operation of such mill, and the reason why the petitioner has not been able to acquire title <sup>Petition for appointment of commissioners.</sup> <sup>What to contain.</sup>

thereto. It must also state the name or names and place or places of residence of the owner or owners of such land, so far as the same can with reasonable diligence be ascertained; also of all persons who are known to have or claim to have any interest therein as lessees or otherwise; and if any such persons are infants, their ages, as near as may be, must be stated, and if any are idiots, or persons of unsound mind, or are unknown, it must be so stated, and the petition shall be signed and verified by the oath of the petitioner.

Court to fix  
time of  
hearing.

SEC. 4. Upon the filing of such petition the court shall make an order fixing the time when the same will be heard and considered, which time shall not, in case any of the parties to the proceeding, as shown by the petition, are not residents of this State, be less than sixty days from the date of making such order. The petitioner shall notify all parties interested as owners or otherwise in such proceeding in the following manner:

Notice to  
parties in-  
terested.

Service of  
petition and  
notice, when  
personal.

*First*, If the person on whom service is to be made resides in this State, and such residence be known to the petitioner, and such person is not an infant, idiot, or of unsound mind, service of a copy of such petition and notice of the time and place of hearing shall be made on him personally, or by leaving the same at his usual place of residence, with some person of a suitable age, at least ten days before the day of such hearing;

When by  
publication.

*Second*, If the person on whom service is to be made is not a resident of this State, or if the residence of such person be to the petitioner unknown, service may be made by publishing a notice stating briefly the object of the application, and the description of the land or property to be taken, in some newspaper printed and circulating within the county where such land or property, or some part thereof is situated, if there be one, once in each week for six successive weeks. If there be no newspaper printed in such county, then said notice shall be

published as aforesaid in some newspaper printed in some adjacent county; and if the residence of such person residing out of this State be known to the petitioner, a copy of such petition together with notice of the time and place of hearing as aforesaid, shall be deposited in the postoffice, at least thirty days previous to the time of such hearing, directed to such person at his place of residence as near as may be, and the postage paid thereon.

*Third,* If any person on whom service is to be made be a minor, or an idiot, or of unsound mind, and resides in this State, such residence being known, such service shall be made as aforesaid on his guardian, if there be one; if there be no guardian, then on the person who has the care of or with whom such infant, idiot, or person of unsound mind resides; but if such infant be over the age of fourteen years, then such service shall be made on him personally;

When person is a minor or of unsound mind.

*Fourth,* In case any party to be affected by the proceedings is an infant, idiot, or person of unsound mind, and has no guardian, the said court shall appoint a special guardian to attend to the interests of such infant, idiot, or person of unsound mind; and all notices to be served in the progress of the proceeding, may be served on such special guardian;

Idem.

*Fifth,* In all cases not otherwise provided for, service of orders, notices, and other papers in the proceedings authorized by this act shall be made as the said court may direct.

In other cases.

SEC. 5. On the day appointed for the hearing, or on such other day as the same may be adjourned by the court, after due proof of service of the petition and notice as aforesaid, all persons whose estates or interests are or may be affected by the proceedings, may show cause against the prayer of the petition, and may disprove any of the facts alleged therein. If no sufficient cause is shown against granting the prayer of the petition, the court shall make an order appointing three disinterested and competent freeholders of the county not

Hearing of petition and appointment of commissioner to determine damages, etc.

residing or owning real estate in the township where such water-power is proposed to be established, as commissioners to ascertain and determine the necessity for taking such lands, franchises, or other property, and to appraise and determine the amount of damages or compensation to be allowed the owners thereof; and the court shall fix the time and place for the first meeting of such commissioners: *Provided*, That any person whose interest or estate is or may be affected by the proceedings, may demand at the time of such hearing a jury of twelve freeholders of said county to determine the necessity for taking such lands, franchises, or other property, and to appraise and determine the damages or compensation to be allowed therefor. Thereupon the court shall direct the sheriff, or any constable of said county, to make a list in writing of twenty-four inhabitants of the county qualified to serve as jurors in courts of record in this State; such sheriff or constable shall, before he proceeds to make such list, be sworn to select such persons according to his best judgment and without favor or partiality to either party. From such list, the person demanding the jury may strike off six names, and the petitioner six names; and in case either party refuse or neglect to do so, the court shall strike off so as to leave only twelve names thereon. The court shall then issue a *venire* in the usual form, inserting the names of the twelve persons so remaining on said list, requiring such jury to meet at the time and place appointed therefor by the court, which said *venire* may be served by the sheriff or any constable of the county, as in other cases. If, at the time and place appointed by the court for said jury to meet, any of the persons named as jurors do not attend, it shall be competent for the court to direct the sheriff or constable to summon immediately as many competent persons as may be necessary, with the persons in attendance as jurors, to furnish a panel of twelve jurors; and if no jury be demanded on the part of any person

Jury may be demanded.

Impanelling of same.



mentioned in the petition, his right to the same shall be deemed to have been waived.

SEC. 6. The commissioners shall be sworn to a faithful performance of their duties as such ; either of them may issue subpoenas, administer oaths to witnesses, and a majority of them may adjourn the proceedings before them from time to time in their discretion. Whenever they meet, except by appointment of the court, or by previous adjournment, they shall cause reasonable notice of such meeting to be given to the parties who are or may be affected by their proceedings, or to the attorneys or agents of such parties, if known. They may view the premises described in the petition, and shall hear the proofs and allegations of the parties, and shall reduce the testimony, if any is taken by them, to writing, if requested to do so by either party ; and after the testimony is closed, and without any unreasonable delay, a majority of them being present, shall ascertain and determine the necessity for taking and using any such real estate or property for the purposes set forth in the petition, and whether the same is for public use ; and if they deem the same necessary to be taken for public use they shall ascertain and determine the damages or compensation which ought justly to be paid therefor to the parties owning or interested in the real estate so appraised by them. They shall also determine and certify what sum ought to be paid to the general or special guardian of any party who is an infant, idiot, or person of unsound mind, or to the court, to be held for an unknown party in interest not personally served with notice of the proceeding, and who has not appeared. They shall report in writing to the court the proceedings had by and before them, and their decision upon all questions presented to them by the court in and through the original petition ; and if they shall be of the opinion that the flowing of such land, in the manner proposed by the petitioner, is or will be for public use, they shall establish the height to which such

Commissioners, powers and duties of

To give notice of meeting in certain cases

May view premises, hear proofs, etc.

To certify what sums ought to be paid to guardians of infants, etc.

To report to court.

To establish  
height of  
dam, etc.

dam may be built or kept, and thereby the water raised, the length of time or period during which the same may be kept up in each year thereafter, particularly describing, by metes and bounds or otherwise, the land overflowed or to be overflowed, and naming the owner or owners thereof, or other parties interested therein, so far as they are known, and the amount of damage to be paid to each party.

Jury to  
determine  
necessity of  
using prop-  
erty, and  
amount of  
damages.

SEC. 7. In case a jury is demanded and impaneled, as provided in this act, the said jury shall proceed to ascertain and determine the necessity for taking and using, or continuing to use, any such real estate for the public use, and the damage or compensation to be paid therefor, in the same manner and with the like effect as is provided in the case of commissioners; but they shall all be present and act together during the proceedings, and before acting, shall be sworn by the court to justly and impartially ascertain and determine the necessity for taking and using, or continuing to use any such real estate for the purposes proposed; and if such jury shall be of the opinion that the flowing of such land in the manner proposed in the petition is, or will be, for public use, they shall determine the height of the dam built or to be built, the length of time during which water may be kept up in each year, and shall particularly describe, by metes and bounds or otherwise, the land overflowed or to be overflowed, naming the owners thereof so far as known to them, and all parties interested, and the amount of damages to be paid to each party. The

Finding of,  
to be return-  
ed to court.

finding of the jury, reduced to writing, and signed by each and every of them, shall be by them, or by one of their number, returned to the court within five days after they shall have concluded their investigation. The judge of the court

Judge may  
attend to de-  
cide ques-  
tions of law,  
etc.

may attend the jury during the proceedings, to decide questions of law, and to administer oaths to witnesses, and he may direct the sheriff or any constable to attend the jury while engaged in such proceedings. In case the judge shall not

attend, the jury shall proceed to the performance of their duties, and shall possess all the powers conferred upon commissioners by this act; and a finding, signed by them as aforesaid, when the judge is not in attendance, shall be as valid and legal as though he were present.

Powers and duties of, when judge does not attend.

SEC. 8. Upon the return of the report of the commissioners, or the finding of the jury as aforesaid, any person interested therein may object to the acceptance or confirmation of the same for any irregularity or improper conduct; and the court may, for such cause, set aside the report or finding, and order a re-hearing; but if the court accept and confirm the report, it shall be final and conclusive in the matter, both as to the necessity for overflowing such land and the sum to be paid for damages therefor. The court may set aside the report of the commissioners or the finding of the jury, for any cause which to the court may appear just and reasonable, and may for itself inquire whether the erection or maintenance of such dam is for public use, notwithstanding the finding and report of the commissioners or jury, as the case may be; and if the court shall be of the opinion that the erection or maintenance of such dam is not for the public use, the petition shall be dismissed. If the report of the commissioners or finding of the jury be confirmed by the court, the court shall make an order containing a recital of the substance of the proceedings in the matter of the appraisal, and a description of the real estate appraised for which compensation is to be made; and shall also direct to whom the money for damage or compensation is to be paid, or when and where it shall be deposited by the petitioner in case of parties who are unknown or whose residence is unknown, and who have not appeared in the proceedings. The court shall have, as to the confirmation of the report, all the powers usual in other cases.

Either party may object to confirmation of report or finding.

Confirmation by court to be final

Court may set aside report or finding.

Order of court when report or finding is confirmed.

Powers of court.

SEC. 9. A certified copy of the order so made, shall be recorded in the office of the register of deeds for the county

Copy of order to be recorded, and thereupon court to order payment for land, etc.

Right of petitioner to use land for purposes set forth in petition and order.

Proviso.

Further proviso as to continuance of right to use.

Fees of commissioners, jurors, sheriff, constable, and witnesses.

where the premises are situated, in the record of deeds; and thereupon, upon full payment, tender, or deposit by the petitioner of the sum to be paid as compensation for such land or flowage thereof, and for such costs, expenses, and fees as shall be ordered by the court, the petitioner shall have the right to retain and use, or to take possession of, and have the exclusive use of the land described in said order for the purposes mentioned and set forth in his petition and in said order; and all persons who have been made parties to the proceedings by personal service, publication, or otherwise, shall be barred from any and all right to interrupt the quiet and peaceable possession of said petitioner, his heirs and assigns, in and to said land for the purposes aforesaid, so long and for such time as he or they occupy the same for the purposes set forth in said order: *Provided*, That such compensation and costs shall be fully paid, tendered, or deposited as aforesaid, within sixty days after the date of such order: *And provided further*, That in case such petitioner, his heirs or assigns, shall draw the water off from said land, and shall cease to use it for the purposes set forth in his petition and said order, his right to the occupancy of the same shall cease, and the original owner, his heirs and assigns, may re-enter and take possession thereof; but the drawing of the water off, by reason of the washing out of such dam, or for the purpose of repairing or re-building such dam, shall not be deemed to conclude the rights of the water-power owner to such occupancy. If such damages and costs are not so paid, tendered, or deposited within sixty days from the date of the order, all the proceedings shall become void, and of no binding force.

SEC. 10. The fees of the commissioners and of the jurors provided for in this act, shall be two dollars a day each, for each and every day actually spent by them as such, in the active discharge of their duties; the fees and mileage of the sheriff, constable, and witnesses, shall be the same as are

allowed by law for attendance upon circuit courts. The fees <sup>By whom paid.</sup> of the commissioners, for one day's attendance, shall be paid by the petitioner in the first instance; the fees of jurors for one day's attendance, by the party demanding such jury; and the fees and mileage of the sheriff, constable, and witnesses, by the party requiring their services or attendance. At the <sup>Costs.</sup> final hearing, and at the time of making its final order, the court shall determine and direct who shall pay the costs of the proceedings, and such portion thereof as shall be taxed to the petitioner, shall be included in the order aforesaid.

SEC. 11. Whenever the proprietor of any water-power mill <sup>Provisions for raising dams.</sup> heretofore built, or which may hereafter be built, shall desire to raise his dam, he may do so in the manner and subject to the same conditions as are herein prescribed for erecting and maintaining new dams for flowing land.

SEC. 12. No dam shall be erected or raised to the injury of <sup>Dam not be erected to injury of any mill, or mill site.</sup> any mill now lawfully existing, either above or below it, on the same stream, nor to the injury of any mill-site, whether a mill-dam shall have been lawfully built and used thereon, or not.

Approved April 30, 1873.

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[ No. 197. ]

AN ACT to amend section seven thousand four hundred and thirty-five, chapter one hundred and thirty-nine, of the compiled laws of eighteen hundred and seventy-one, relative to the salary of judges of probate.

SECTION 1. *The People of the State of Michigan enact,* That <sup>Section amended.</sup> section seven thousand four hundred and thirty-five, chapter one hundred and thirty-nine, of the compiled laws of eighteen

hundred and seventy-one, be and the same is hereby amended so as to read as follows:

Salary of  
probate  
judge.

(7435.) SEC. 1. The judges of probate now elected, or to be elected hereafter, shall each receive an annual salary, to be paid quarterly out of the county treasury of their respective counties, and which shall be in full compensation for all services required to be performed by them except for copies of records or papers on file, and certificates and exemplifications, which shall be furnished for ten cents per folio, and twenty-five cents for certifying, sealing, and attaching the same.

Approved April 30, 1873.

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[ No. 198. ]

AN ACT to revise the laws providing for the incorporation of railroad companies, and to regulate the running and management, and to fix the duties and liabilities of all railroad and other corporations owning or operating any railroad in this State.

## ARTICLE I.

### ORGANIZATION.

Number  
necessary to  
organize.

Articles of  
association,  
what to set  
forth.

Amount of  
capital stock.

SECTION 1. *The People of the State of Michigan enact,* That it shall be lawful for any number of persons, not less than seven, to organize themselves into a corporation for the purpose of constructing, operating, and maintaining a railroad, railroad bridge, or railroad tunnel; and for such purpose such persons shall subscribe articles of association, in which shall be set forth the name of the corporation; the number of years the same is to be continued; the amount of capital stock of said company, which shall not be less than four thousand dollars per mile of road constructed, or proposed to be constructed, with flat-bar rail, or with a gauge not exceeding

three feet six inches in width, and not less than eight thousand dollars per mile of road constructed, or proposed to be constructed, of "T" rails with gauge exceeding three and one-half feet in width, and not less than one-half the estimated cost of any such bridge or tunnel; the number of shares of which the stock shall consist, which shall be the amount of one hundred dollars each; the number of directors, which shall not be less than five nor more than fifteen, and their names; the places from and to which, and the name of each county into or through which it is, or is intended, to be constructed, and its length as near as may be. Each subscriber to such articles of association shall set opposite his name, his place of residence, and the number of shares of stock by him subscribed. Whenever one thousand dollars per mile of such railroad, or one-half the estimated cost of such bridge or tunnel, shall have been subscribed upon such articles of association, and five per cent of the amount thereof shall have been paid in to the directors named in such articles, in good faith, in cash, and an affidavit shall have been made and attached thereto by any two of said directors, that said amount has been subscribed, and said amount of five per cent paid in, in good faith, in cash, as before provided, such articles of association shall be filed in the office of the Secretary of State, and thereupon the persons who have subscribed such articles, and all other persons who shall from time to time thereafter subscribe to or become the holders of the capital stock of said corporation, in the manner to be provided in its by-laws, shall be a body corporate, by the name specified in such articles, and shall be capable of suing and being sued, and may have a common seal, and may make and alter the same at pleasure, and be capable in law of purchasing, holding, and conveying any real and personal property whatever necessary for the construction, maintenance, and operation of said railroad, and for the erec-

Amount of  
each share.

Number of  
directors.

Subscribers  
to articles.

When and  
where arti-  
cles shall be  
filed.

Thereupon a  
body corpo-  
rate.

tion of all necessary buildings, yards, and appurtenances for the use of the same.

Mortgage  
sale of rail-  
roads.

Purchasers  
may organ-  
ize a corpo-  
ration.

Rights and  
powers  
thereof.

Organiza-  
tion formed  
under certif-  
icate of pur-  
chasers.

Certificate  
filed with  
Secretary  
of State.

SEC. 2. In case of the foreclosure and sale of any railroad, or part of any railroad, under any trust deed, or mortgage given to secure the payment of bonds sold to aid in its construction and equipment, or for other cause authorized by law, it shall be competent and lawful for the parties who may become the purchasers, and such others as they may associate with themselves, to organize a corporation for the management of the same, and issue stock in the same in shares of one hundred dollars each, to represent the property in said railroad; and such corporation when organized shall have the same rights, powers, and privileges, as are or may be secured to the original company whose property may have been sold under and by virtue of such mortgage or trust deed. Such organization may be formed by virtue of a declaration or certificate of the purchasers at the sale under said mortgage or trust deed, which shall set forth the description of the property sold, and the date of the deed under which it was sold, or of the decree of the proper court, if it shall have been sold by virtue of a decree of any court; and with such description of the parties to the deed or suit as may identify the one or the other, or both; the time of the sale, and the name of the officer who sold the same; and also the purchasers, and the amount paid, and the stockholders to whom stock is to be issued, and the amount of the capital stock and the name of the new corporation, and such other statements as may be found requisite to make definite the corporation whose property may have been sold, and the property sold, as well as the extents and rights and property of the new company; which said certificate or declaration shall be signed by all of the said purchasers, and shall be addressed to the Secretary of State; and being filed and recorded in his office, the said corporation shall become complete, with all the powers and rights secured to railroad



companies under this act, to all the provisions of which, and amendments thereto, it shall be subject, and a certified copy of the said certificate or declaration shall be *prima facie* evidence of the due organization of said company.

Certified copy evidence of organization.

## ARTICLE II.

### CORPORATE POWERS AND DUTIES OF DIRECTORS.

SECTION 1. All of the corporate powers of any such corporation shall be and are hereby vested in the board of directors, except as may be herein otherwise provided. No person except a stockholder shall be a director of said corporation, and no stockholder shall be entitled to vote for directors, or for any other purpose, who shall be in arrears in the payment of any assessment made on his subscription to stock. The president of said corporation shall be elected by the directors from their own number. The board of directors are hereby authorized and required to provide by by-laws for the disposition of its unsubscribed capital stock, and may provide for the election or appointment of agents or employes of said company, and may require of them security for the faithful performance of their duties, and for the general management of the business and affairs of said company. At all elections for directors and meetings of stockholders, each stockholder shall be entitled to cast, in person or by proxy, one vote upon each share of stock owned or held by him for ten days previous to such election or meeting, and a majority of all votes cast shall be requisite to an election, or for the determination of any question voted upon. A majority of the directors shall constitute a quorum for the transaction of business by the board of directors. In case of any vacancy in the board of directors, such vacancy may be filled by the remaining directors until the next election of directors.

Corporate powers vested in board of directors.

Who may be directors and who entitled to vote for same.

Election of president.

Unsubscribed stock, employes, etc.

Each share of stock entitled to a vote.

Quorum.

Vacancy in board, how filled.

Amend-  
ments to  
articles of  
association.

Filed with  
Secretary of  
State.

Articles and  
amendments  
recorded by  
Secretary  
of State.

When com-  
pany may  
proceed to  
exercise its  
powers,  
privileges,  
etc.

Certified  
copies evi-  
dence in  
court, etc.

SEC. 2. It shall be lawful for any company organized under this act, or under any former act for the incorporation of railroads, upon a vote of its stockholders holding two-thirds of its subscribed stock, at any meeting thereof, to alter and amend its articles of association so as to change the general route of said railway, or to extend the length of the line thereof, from either or both of its termini, or to extend any branch or branches from any point on the same, or to change the gauge of its road, or in any other respect not inconsistent with the provisions of this act, as it may determine, and upon such vote said company may make articles amendatory of their original articles, which shall be signed and certified by the president and secretary of said company, and under its corporate seal ; and when the same shall be so signed, sealed, and certified and filed with the Secretary of State, they shall have the same force and effect as though such alterations or amendments had been included in, and made a part of, the original articles of association. Articles of association filed in pursuance of this act, with all such subsequent alterations and amendments thereof, and the affidavits annexed thereto, shall be forthwith recorded by the Secretary of State, in a book to be provided by him for that purpose at the expense of the company filing the same, and whenever any articles of association shall be filed as above provided, the company filing the same may at once proceed to construct, operate, and maintain its railroad or any section or portion thereof, and to exercise its powers and privileges, and also to assess, levy, and collect such assessments upon such stock as at that time, and from time to time, may be subscribed for such purpose as said company shall determine. A copy of any articles of association, with a copy of the affidavit annexed thereto, as well as of any articles amendatory thereof, filed in pursuance of this act or of the record thereof, certified by the Secretary of State, under the seal of the State, to be a copy, shall in all courts and

places be *prima facie* evidence of the matters therein stated, and of the genuineness of the signatures thereto, and of the incorporation of said company, as well as the articles amendatory thereof.

SEC. 3. At any meeting of stockholders for the election of directors, it shall be lawful for the stockholders to classify the directors in three equal classes, as near as may be, one of which classes shall hold their office for one year, one for two years, and one for three years, and until their successors are respectively elected; and at all subsequent elections directors shall be elected for three years to fill the places made vacant by the class whose term of office shall expire at that time. In case no such classification shall at any time be made, the persons elected at any such meeting shall hold their office for one year, and until their successors shall be elected; and it shall be the duty of the directors to provide for by-law and to call; and in case of their neglect so to do, a majority of the stockholders may call an annual election of directors, at such time and place as may be appointed, in some county in which the road is to, or shall run, and at which time and place there shall be a general meeting of the stockholders in person or by proxy. And a special meeting of the stockholders may be called at any time by the directors, or by the stockholders owning not less than one-fourth of the stock in value, by giving notice of such meeting as hereinafter provided. At least thirty days' notice of the time and place of every general or special meeting of the stockholders shall be given in one or more daily newspapers printed in the city of Detroit, and also in one or more newspapers printed in the county where the principal office of the company is situated, if it be not in said city: *Provided*, That such notice when given by the stockholders shall state the object of such meeting. Evidence of such notice may be perpetuated by the affidavit of any person having knowledge thereof, and at any meeting of the stock-

Classification of directors, their election and terms of office.

Special meetings of stockholders.

Notice thereof.

To state object.

Evidence of notice perpetuated by affidavit.

Removals  
from office.

Majority of  
stock con-  
trols.

Proxy.

Adjourn-  
ments, etc.

Annual  
statement  
by directors.

Collection of  
subscrip-  
tions to capi-  
tal stock.

May sue for  
after notice  
to pay.

When stock  
and pay-  
ments for-  
feited.

holders held pursuant to this act. The stockholders representing a majority of the stock may remove from office any of the directors, or other officer of the company, and elect others in their stead. And the president and directors, and officers and agents of the company, in the exercise of their respective powers and duties, shall at all times be governed by, and be subject to, such rules, regulations, and directions as the stockholders holding a majority in value of the stock may adopt at such meeting (and at every such meeting it shall be competent for any stockholder to appear and vote by proxy as well as in person). If at any meeting of the stockholders, a majority in value of the stock then actually subscribed is not represented in person or by proxy, the same shall be adjourned by such as are present from day to day, not exceeding three days without doing any business, when, if such majority do not appear and attend, the meeting shall be dissolved.

SEC. 4. At every annual meeting of stockholders it shall be the duty of the board of directors to exhibit a clear and full statement of the affairs of the company for the preceding year.

SEC. 5. The board of directors may, by resolution, require the subscribers to the capital stock to pay the amounts by them respectively subscribed, in such manner and in such installments as they may deem proper, and in case of neglect or refusal of any subscriber to pay any such installment, said company are hereby authorized to sue for and collect the same, and in case such neglect or refusal shall continue for sixty days after notice in writing to pay the same has been served on him personally, or by depositing the same in the postoffice, postage prepaid, properly directed to him at the postoffice nearest his usual place of residence, or in case execution issued on a judgment recovered for any such installment shall be returned unsatisfied, in whole or in part, said board of directors may declare such stock, and all previous payments or col-

lections made thereon, forfeited, and the same shall be forfeited accordingly ; and any forfeited stock shall be subject to sale by the company, as may be provided for by by-laws or resolutions of the directors.

SEC. 6. The stock of any such company shall be deemed Stock deemed personal estate. personal estate, and shall be transferable in the manner and under such restrictions and conditions as may be provided for by the by-laws, but any certificate of stock issued before payment in full, shall show on its face, or by indorsement, the amount paid thereon, and no share shall be transferred on the books of the company until the same shall be Transfer of stock. paid in full, without the consent of the board of directors.

SEC. 7. Every such company proceeding to construct a Map of route part of its road into or through any county named in its articles of association, or which shall have been so constructed, shall make a map of such part of the route intended to be adopted by such company, or which shall have been adopted, which shall be certified by a majority of the directors and filed in the office of register of deeds of such county. The route Change of route. so adopted, or any part thereof, may be changed by the company as often as found expedient, before it has fully built its road thereon, and upon any such change, a new map, showing the new route adopted, shall be made, certified, and filed as aforesaid.

SEC. 8. If at any time after the location and use of the When and how line of railroad may be changed. track, or any part thereof, of any company organized under the provisions of this act, it shall appear to the directors of said company that the line in some parts thereof may be improved, it shall be lawful for such directors from time to time to alter the line and cause a new map to be filed in the office of the register of deeds of the county in which such alteration is made, and when a new line is adopted, to take possession of the lands and property embraced in such new location that may be required for the construction and main-

tenance and operation of the road on such new line and the convenient accommodations appertaining to the same, either by agreement with the owner or owners, or by such proceedings, as near as may be, as are authorized under the preceding provisions of this act, and use the same.

Powers and liabilities.

SEC. 9. Every such corporation shall possess the general powers, and be subject to the liabilities and restrictions following, that is to say:

To make surveys, etc.

*First*, To cause such examinations and surveys for the proposed railroad to be made as may be necessary to the selection of the most advantageous route for the road, and for such purposes, by its officers, agents, and servants, to enter upon lands or waters of any person or company, but subject to liability for all damages which they shall do thereto;

Liability for damages.

To receive grants of property.

*Second*, To receive, hold, and take such voluntary grants and donations of real estate and other property as shall be made to it to aid in the construction, maintenance, and accommodation of such road, but the real estate thus received by voluntary grant shall be held and used for the purposes of such grant only;

To purchase and hold property for constructing road, etc.

*Third*, To purchase, and by voluntary grants and donations receive and take, and by its officers, engineers, surveyors, and agents, enter upon and take possession of, hold, and use all such lands and real estate, franchises and other property, as may be necessary for the construction, maintenance, and accommodation of its railroad and stations, depots, and other accommodations; but the same shall not be appropriated until the compensation to be made therefor is agreed upon by the parties or ascertained as herein prescribed, be paid to the owners, or deposited as hereinafter directed, unless the consent of such owner be given therefor;

To lay out and construct road.

*Fourth*, To lay out its road not exceeding one hundred feet in width, and to construct the same, and for the purpose of cuttings or embankments, and procuring stone, gravel, or other

material, or for the purpose of draining its road-bed, to take, in the manner herein provided, such further lands adjacent and in the vicinity of its road, as may be necessary for the proper construction, operating, and security of its road;

*Fifth,* To construct its road upon or across any stream of water, water-course, private road, street, lane, alley, or highway, and across any plank road, railroad, or canal, which the route of its road shall lie along, or intersect; but the corporation shall restore the stream, water-course, private road, street, alley, lane, highway, plank road, railroad, or canal to its former state, as near as may be, but shall not materially obstruct the navigation of any stream; and shall construct suitable road and street crossings for the passage of teams, by fitting down plank between and on each side of the rails of such road, the top of which shall be at least as high as the top of the rails of such road; and in case of the construction of such railway upon any public street, lane, alley, or highway, the same shall be on such terms and conditions as shall be agreed upon between the railroad company and the common council of any city, or the village board of any village, or the commissioners of highways of any township in which the same may be; but such railway shall not be constructed upon any public street, lane, alley, highway, or private way, until damages and compensation be made by the railroad company therefor to the owner or owners of property adjoining such street, lane, alley, highway, or private way, and opposite where such railroad is to be constructed, either by agreement between the railroad company and each owner or owners, or ascertained as herein prescribed for obtaining property or franchises for the purpose of its incorporation, to be paid to the owner thereof, or deposited as hereinafter directed;

*Sixth,* To cross, join, and unite its railroad with any other railroad, now or hereafter constructed under any law whatever, at any point on its route, and upon the grounds of such other

To construct across streams, highways, etc.

Construction upon streets, etc., in cities.

Compensation to adjacent owners.

To unite with other railroads, etc.

railroad, now or hereafter constructed, with the necessary turn-outs, sidings, and switches, and other accommodations and conveniences in furtherance of the objects of its connections; and to make all such business arrangements as said companies may agree upon. And every company whose railroad shall be intersected by any other railroad, shall unite with the owners of such other railroads in forming such intersections and connections, and grant facilities for the same, as hereinafter provided;

Companies shall unite to form connections.

To transport persons, etc.

*Seventh*, To take, transport, carry, and convey persons and property on their said road by the force and power of steam, animals, or any mechanical power, or by any combination of them, and to receive tolls and compensation therefor;

To erect depots, etc.

*Eighth*, To erect and maintain all necessary and convenient buildings, stations, depots, and fixtures and machinery for the accommodation and use of their passengers, freight, and business, and to obtain and hold all the lands necessary therefor;

To regulate time, manner, and compensation for transporting passengers and freight.

*Ninth*, To regulate the time and manner in which passengers and property shall be transported, and the tolls and compensation to be paid therefor; but such compensation for transporting any passenger, and his or her ordinary baggage, not exceeding in weight one hundred pounds, shall not, except on railroads operating less than twenty miles of road, exceed the following prices, viz: for a distance not exceeding five miles, four cents per mile; for all other distances, not exceeding three cents per mile; and no fare shall be less than five cents, and that amount in any case may be charged and collected:

Limitation of rates.

Rates in Upper Peninsula.

*Provided*, That in the Upper Peninsula, five cents per mile may be charged and collected on all railroads: *And provided*, That the provisions of this act shall not apply to the

Paw Paw railroad exempted.

Paw Paw railroad.

Corporations to furnish accommodations for passengers, etc.

SEC. 10. Every such corporation shall furnish sufficient accommodation for the transportation of all such passengers and property as shall, within a reasonable time previous



thereto, offer or be offered for transportation at the place of starting, and the junctions of other railroads, and at siding and at stopping places established for discharging and receiving way passengers and freight; and shall take, transport, and discharge such passengers and property at, from, and to such places, on the due payment of toll, freight, or fare, legally authorized therefor; and every such corporation shall trans-<sup>shall trans-  
port them  
impartially.</sup> port merchandise, wood, lumber, and other property, and persons from the various stations upon said road, without partiality or favor, when not otherwise directed by the owner of said property, and with all practicable dispatch, and in the order in which such freight and property shall have been received, under a penalty for each violation of this provision,<sup>Penalty.</sup> of one hundred dollars, to be recovered by the party aggrieved, in an action of debt against such corporation: *Provided, That* <sup>Explosive  
freight.</sup> perishable or explosive freight and property shall have the preference over all other classes of merchandise. In case of the refusal by such corporation or agents so to take and transport any such passenger or property, as aforesaid, or to deliver <sup>Liability for  
damages for  
refusal to  
transport  
passengers,  
or property,  
etc.</sup> the same, or either of them, without a legal or just excuse for such default, such corporation shall pay to the party aggrieved all damages which shall be sustained thereby, with costs of suit, or the penalty prescribed in this section, at the election of the party aggrieved.

SEC. 11. A check shall be fixed to every parcel of bag-<sup>Checking of  
baggage.</sup> baggage when taken for transportation, by the agent or servant of such corporation, if there is a handle, loop, or fixture so that the same can be attached upon the parcel or baggage so offered for transportation, and a duplicate thereof given to the passenger or person delivering the same on his behalf; and if such check be refused on demand, the corporation shall pay to such passenger the sum of ten dollars, to be recovered in a civil action; and further, no fare or toll shall be collected or received from such passenger; and if such passenger shall

have paid his fare, the same shall be refunded by the company; and on producing said check, if his baggage shall not be delivered to him, he may recover the value of such baggage.

**Ticket offices must be kept open 20 minutes.**

**Stations announced in cars.**

**Penalty for violation of provisions of section.**

**Sale of unclaimed freight, baggage, etc.**

**Notice thereof.**

SEC. 12. All railroad companies shall keep their ticket offices open for the sale of tickets at least twenty minutes immediately preceding the departure of all passenger trains from every regular passenger station from which any such passenger trains is to start from or stop at, between the hours of seven o'clock in the morning and eleven o'clock in the evening; and the conductors of all such passenger trains shall announce, or cause to be announced, the name of the station in each passenger car of every such train, within a reasonable time before the arrival of any passenger train at every station at which said train, from notice given, is to stop. For each violation of the provisions of this section, the railroad company whose employes do not comply with the provisions of this section in every respect, shall forfeit the sum of one hundred dollars for each violation of the same.

SEC. 13. Every company which shall have unclaimed freight, not perishable, or unclaimed baggage in its possession for a period of one year or more, may sell the same at public auction, and out of the proceeds may retain the charge of transportation and storage thereof, and the expense of advertising and sale thereof. Notice of such sale shall be published at least once in each week for six successive weeks previous to such sale, in a newspaper in each county through which said road runs, in which a newspaper is published, which notice shall specify the time and place of such sale, and also the name of the consignee of such freight or baggage, if the same is marked on the packages, and a general description of the same; and the expense of such advertising shall be a lien on such freight or baggage, in a suitable proportion, according to the value of each article, package or parcel, if more than one. In case such unclaimed freight or baggage shall be in its

nature perishable, then the same may be sold as soon as may be, after giving notice of such sale as the nature of the case will permit, in the city, township, or village where the same may be, not exceeding six weeks. Such company shall make a record of the balance of the proceeds of the sale, if any, of the freight or baggage owned by or consigned to the same person, as near as can be ascertained, and, at any time within two years thereafter, shall refund any surplus so retained to the owner of such freight or baggage, his heirs, executors, administrators, or assigns, on satisfactory proof of such ownership.

Sale in case property is perishable.

Surplus after paying expenses refunded.

SEC. 14. Any railroad company organized under this act, receiving freight for transportation, shall be entitled to the rights and be subject to the liabilities of common carriers, except as herein otherwise provided; but no such company shall be suffered to lessen or abridge its common-law liability as a common carrier, unless by an agreement to be signed by both parties thereto.

Rights and liabilities of companies as common carriers.

SEC. 15. Whenever any railroad company desires to acquire any right of way or real estate for the purpose of its incorporation, such company may, previous to or after proceedings are commenced for such purpose, tender to the owner or owners of said lands or premises, any sum of money which such company shall conceive sufficient amends or compensation for the same, together with the cost to the time of making such tender; and if it shall appear in the progress of such proceedings, or upon the assessment of damages, that the amount so tendered was sufficient to pay such damages or compensation, and the cost of the suit or proceedings up to the time of such tender, the corporation shall be entitled to recover all costs incurred subsequent to the time of such tender, including such attorney fee as may be allowed by the court; but if no such tender be made, or if the same is insufficient, the owner of the premises shall recover costs and an attorney's fee as aforesaid.

Tender of compensation for right of way.

SEC. 16. In case any of the real estate required by said

Acquisition  
of real estate  
etc., through  
guardians.

company for the purposes aforesaid is owned by a person insane, a minor, or otherwise incompetent and under guardianship, and such company and the guardian of such person shall agree upon a price for the same, and enter into a contract in writing therefor, the said guardian shall, upon the approval of the same by the probate court of the county in which the said real estate is situated, convey said real estate, in accordance with the terms of such contract, to said railroad company, and the deed thereof shall be valid in law to convey the title of such person under guardianship to said company, in accordance with the terms of said contract.

Acquisition  
when price  
cannot be  
agreed upon

SEC. 17. In case any railroad company is unable to agree for the purchase of any real estate, property, or franchises required for the purpose of its incorporation, it shall have the right to acquire the title to the same in the manner and by the special proceeding prescribed in this act; but there shall be no power, except for crossing, to take the track or rights of way of any other railroad company without the consent of said railroad company, except as is hereinafter provided.

Proceedings  
therefor be-  
gun by pe-  
tition for ap-  
pointment  
of commis-  
sioners.

SEC. 18. For the purpose of acquiring such title, such company may present a petition to any court of record for such county, praying for the appointment of three commissioners. Said petition shall be in the name of the company, and shall be signed by one of the directors, or the engineer, or the attorney of said company, on its behalf, and shall be verified by the oath of the person so signing the same, and shall contain the description of all the real estate, property, or franchises, or so much thereof as the company seeks to acquire under such petition in said county; and that said company is duly incorporated; that it has a railroad constructed, specifying the points from and to which the same is in operation, or that it is the intention of said company, in good faith, to construct, finish, and maintain a railroad, from and to the places named for that purpose in its articles of association; that the capital stock of

Contents of  
petition.

the company has been, in good faith, subscribed, as required <sup>Mem.</sup> by this act to organize such company; that the company has surveyed the route of its proposed road in said county, and made a map and survey thereof, by which said route is designated; and that it has located its said road according to such survey, and filed a certificate thereof, signed by a majority of the directors of said company in the register's office of said county; that the property described in the petition is required for the purpose of constructing, operating, or repairing the road or its appurtenances, and that the taking thereof is necessary for public use, and that the company has not been able to acquire title thereto, and the reason of such inability. The petition must also state the names and places of residence of the parties, so far as the same can with reasonable diligence be ascertained; who own, or have, or claim to own, or have estates or interests in said lands or property; and if any such persons are infants, their ages, as near as may be, must be stated; and if any of them are idiots, or persons of unsound mind, or are unknown, it must be so stated, together with such other facts and allegations as to incumbrances or otherwise, as will be sufficient to show who have, or claim to have, interests in said lands, real estate, or property, and such other matters as the company may see fit to make. A copy of such petition, with a notice of the time and place when and where the same will be presented to such court, must be served on all persons whose interest will be affected by the proceeding, at least ten days prior to the presentation of the same to the court, as follows, viz:

*First*, If the person on whom service is to be made resides in this State, and is not an infant, under the age of fourteen years, idiot, or person of unsound mind, service of a copy of such petition and notice must be made on him, or his agent or attorney authorized to contract for the sale of real estate described in the petition, personally, or by leaving the same at the usual place of residence of such person, or agent, with

Service of petition and notice of time of presenting to court.

How made upon responsible residents of the State.

*Idem.*

some person of suitable age ; and if he resides out of this State, but has such agent as aforesaid residing in this State, then, such service may be made on such agent in the manner aforesaid, or upon him personally, out of or within this State ; or it may be by publishing a notice stating briefly the object of the application, and giving a description of the land, interest therein, or property to be taken, and in some paper published in the county in which said lands or property are situated, if there be one, and if not, then in some weekly paper published in the city of Detroit, once in each week for six weeks next previous to the presentation of the petition ; and if the residence of such person or persons residing out of this State be known, a copy of such petition and notice shall be deposited in the postoffice at least thirty days previous to presenting such petition, directed to such person at his place of residence, as near as may be, postage prepaid ;

Upon minors  
and idiots.

*Second,* If any person on whom such service is to be made is a minor under the age of fourteen years, or an idiot, or person of unsound mind, and resides in this State, such service shall be made as aforesaid, on his guardian ; or if none, then, on the person who has the care of, or with whom such infant, idiot, or person of unsound mind resides ;

Upon persons whose  
names or  
residences  
are un-  
known.

*Third,* If the person on whom such service is to be made be unknown, or his residence unknown, then such service may be made by publication for six weeks in the same manner provided in the first subdivision of this section, and the court or judge shall appoint an attorney to appear for and protect the rights of any such person ;

Upon mi-  
nors, idiots,  
etc., not un-  
der guar-  
dianship.

*Fourth,* In case any party to be affected by the proceeding is an infant, idiot, or person of unsound mind, and has no guardian, the said court, or the judge of said court, shall appoint a special guardian or committee to appear for and attend to the interests of such infant, idiot, or person of unsound mind, and all notices to be served in the progress of the proceeding may be served on such special guardian ;

*Fifth*, In all cases not otherwise provided for, service of orders, notices, and other papers in the proceedings authorized by this act, may be made as the said court or judge may direct.

SEC. 19. Whenever the line or road of any company organized under this act shall be in the possession or use of any other railroad company, under any lease, contract, or agreement, for the building or operating the same, under the laws of this State, it shall be competent for the latter company, with the assent and in the name of the former company, to institute and prosecute proceedings for acquiring title to any land or property for the purposes and under the conditions mentioned in preceding sections. In such case the petition may be signed and verified by a director, engineer, or attorney of either company.

SEC. 20. On presenting such petition to said court or the judge thereof at chambers, with proof of service of a copy thereof, and due notice as aforesaid, all persons whose estate or interest are to be affected by the proceedings, may show cause against the prayer of the petition, and may disprove any of the facts alleged therein; and said court or judge shall hear the proofs and allegations of the parties; and if no sufficient cause is shown against granting the prayer of the petition, said court or judge shall make an order appointing three disinterested and competent freeholders as commissioners to ascertain and determine the necessity for taking such lands, franchises or other property, and to appraise and determine damages or compensation to be allowed to the owners and persons interested in the real estate or property proposed to be taken in such county for the purposes of the company; and such court or the judge thereof shall fix the time and place for the first meeting of such commissioners: *Provided*, That any person or persons, or company, whose estate or interest is to be affected by the proceedings, may demand and have from such court, at the time of hearing of said petition, a jury of twelve freeholders of said county to ascertain and determine the necessity for

In other cases.

Proceedings when road is in possession of another company.

Proceedings before court on presentation of petition.

Appointment of commissioners of appraisal, etc.

Proviso. Jury may be demanded and had instead of commissioners.

taking such lands, franchises, or other property, and to appraise and determine the damages or compensation to be allowed therefor. Thereupon the court shall direct the sheriff or any constable of the county, to make a list, in writing, of twenty-four inhabitants of the county, qualified to serve as jurors in the courts of record in this State. Such sheriff or officer shall, before he proceeds to make such list, be sworn by the court or judge to select such persons according to his best judgment, and without favor or partiality to either party.

**Impaneling of same, etc.** From such list the person or persons demanding such jury may alternately strike off six names, and the railroad company six names, and in case of either of them refusing or neglecting to do so, the judge shall strike off from said list for the party so refusing or neglecting, so as to leave only twelve names thereon.

**Striking off of names.** Such court, or the judge thereof, shall issue a *venire* in the usual form, inserting therein the twelve names so remaining on said list, and requiring such jury to meet at the time and place appointed therefor by the court, which said *venire* may be served by the sheriff, any constable, or other proper officer of the county, as in other cases; and if at the time and place appointed by said court or judge for said jury to meet, any of the persons named as jurors do not attend, or if any named in the *venire*, or chosen as talesmen, shall be rejected in a challenge for cause (which right of challenge is hereby granted), it shall be competent for said court, or the judge thereof, to order the said sheriff or other officer to summon immediately as many competent persons as may be necessary, with the persons in attendance as jurors, to furnish a panel of twelve jurors; and if no jury be demanded on the part of any person mentioned in said petition, his or her right to the same shall be deemed to have been waived. In case any parcel of land is owned or occupied by parties having different interests or estates therein or in any part thereof, they may be united as respondents in respect to the same in the petition, and thereafter the proceedings touching the same shall be carried on as

**Venire.**

**Challenge for cause.**

**Filling of panel.**

**Waiver of right to jury**

**Uniting of different persons as respondents.**



one suit. The demand of any one of the respondents for a jury shall be deemed to be a demand for all; and if they shall fail or neglect to unite in striking six names from the jury list, the judge shall strike off six names for them; and in such cases the jury shall not only determine the entire damages and compensation to be paid for the whole property taken, but shall, in their report, also justly and impartially apportion and award the amounts to be paid to the owner or owners of each estate in the land so taken.

Of the demand for jury and striking off names.

Award of damages and apportionment.

SEC. 21. The commissioners shall take and subscribe the oath prescribed by article eighteen of the constitution. Any of them may issue subpoenas, administer oaths to witnesses, and a majority of them may adjourn the proceedings before them from time to time in their discretion. Whenever they meet, except by appointment of the court or judge, or by previous adjournment, they shall cause reasonable notice of such meeting to be given to the parties who are to be affected by their proceedings, or the attorneys or agents of such parties. They may view the premises described in the petition, and shall hear the proof and allegations of the parties, and shall reduce the testimony, if any is taken by them, to writing, if requested to do so by either party, and after the testimony is closed in such case, and without any unreasonable delays, and before proceeding to the examination of any other claim, all being present and acting, shall ascertain and determine the necessity of taking and using any such real estate or property for the purposes described; and if they deem the same necessary to be taken, they shall ascertain and determine the damages or compensation which ought justly to be made by the company therefor to the party or parties owning or interested in the real estate or property appraised by them. They shall also determine and certify what sum ought to be paid to the general or special guardian of an infant, idiot, or person of unsound mind, or to said court, to be held for an unknown party in interest not personally served with notice of the pro-

Powers and duties of commissioners of appraisal.

ceedings and who has not appeared, for damages and cost or expenses and counsel fees. They shall make a report to said court or judge, signed by them, of the proceedings before them, if any, which may be filed with the clerk of the court, either in vacation or term time, or the probate court, as the case may be.

Compensation of commissioners.

Said commissioners shall be entitled to two dollars a day for each day they are engaged in the performance of their duties, to be paid in the first instance by the company. In case a

Powers and duties of jury.

jury shall have been demanded and ordered by the court, pursuant to section twenty-one of this article, the said jury shall proceed to ascertain and determine the necessity of taking and using any such real estate or property, and the damage or compensation to be paid by the company therefor, in the same manner and with like effect as is provided in this section in the case of commissioners, and as is further provided in said section twenty-one; but they shall all be present and act together during the proceedings, and before acting shall take and subscribe an oath that they will justly and impartially ascertain and determine the necessity of taking and using any such real estate or property for the purposes proposed; and if they deem the same necessary to be taken, will ascertain and determine the damages or compensation which ought justly to be made by said company to the owners of or persons interested in each particular description of real estate mentioned in said petition

Compensation of jury.

who have demanded said jury; and they shall be entitled to two dollars for each day they are engaged in the performance of their duties, to be paid in the first instance by the company.

Judge may attend jury to decide law questions, etc.

The said judge, or a circuit court commissioner to be designated by him, may attend said jury, to decide questions of law and administer oaths to witnesses, and he may appoint the sheriff or other proper officer to attend and take charge of said jury while engaged in said proceedings. And the jury shall

Jury shall have commissioners' powers.

proceed to determine the amount of damages to be awarded, and shall have all the powers hereby conferred upon commissioners; and a report signed by the jury, where the judge

is or is not in attendance, shall be valid and legal. At any time before the report of the jury or commissioners shall be made to the court it shall be competent for the company, after sufficient cause has been shown and with leave of the court, to discontinue all pending proceedings in any case and to institute new proceedings at any time thereafter; but the company in all such cases shall pay all the costs of such proceedings so discontinued, with an attorney fee, to be taxed as in cases at law.

Company may discontinue proceedings before report by paying costs and attorney fees

SEC. 22. On such report being made by the commissioners or jury, the court, on motion, shall confirm the same on the next or any subsequent day when in session, unless for good cause shown by either party; and when said report is confirmed, said court shall make an order containing a recital of the substance of the proceedings in the matter of the appraisal, and a description of the real estate or property appraised, for which compensation is to be made, and shall also direct to whom the money is to be paid, or when and where it shall be deposited by the company. Said court, as to the confirmation of such report, shall have all the powers usual in other cases.

Order of court on report being made.

SEC. 23. A certified copy of the order so to be made shall be recorded in the office of the register of deeds for said county, in the book of deeds; and thereupon, on the payment or deposit by the said company of the sum to be paid as compensation for such land, franchise, or other property, and for costs, expenses, and counsel fees as aforesaid, and as directed by said order, the company shall be entitled to enter upon and take possession of and use the said land, franchise, and other property for the purpose of its incorporation; and all persons who have been made parties to the proceedings, either by publication or otherwise, shall be divested and barred of all right, estate, and interest in such real estate, franchise, or other property, until such right or title shall be again legally vested in such owner; and all real estate, or property whatsoever,

Record of order.

When company may take possession of land.

acquired by any company under and in pursuance of this act, for the purpose of its incorporation, shall be deemed to be acquired for public use: *Provided*, The said sum [to] be paid as damages, and compensation, and costs, expenses, and counsel fees as aforesaid, shall be paid by the company, or deposited as provided in this act, within sixty days after the confirmation of said report by the said court; and in case said company fail or neglect so to do, such failure or neglect shall be deemed as a waiver and abandonment of the proceedings to acquire any rights in said land or property. Within twenty days after the confirmation of the report of the commissioners or jury, as above provided for, either party may appeal, by notice in writing to the other, to the supreme court, from the appraisal or report of the commissioners or jury; such notice shall specify the objections to the proceedings had in the premises, and the supreme court shall pass on such objections only, and all other objections, if any, shall be deemed to have been waived; such appeal shall be heard by the supreme court at any general or special term thereof, on notice thereof being given according to the rules and practice of the court. On the hearing of such appeal, the court may direct a new appraisal before the same or new commissioners or jury, in its discretion. The second report shall be final and conclusive upon all parties interested. If the amount of the compensation to be allowed is increased by the second report, the difference shall be a lien on the land appraised, and shall be paid by the company to the parties entitled to the same, or shall be deposited as the court shall direct; and in such case, all costs of the appeal shall be paid by the company; but if the amount is diminished, the difference shall be refunded to the company by the party to whom the same may have been paid, and judgments therefor and for all costs of the appeal shall be rendered against the party so appealing. On the filing of the report, such appeal, when made by any claimant of damages, shall not affect the said report as to the right and interests of any party,

**Proviso.**

**Damages, etc., to be paid within sixty days.**

**Appeals.**

**New appraisal.**

**Final report.**

**Costs in appeals.**

**Effect of appeal on report and possession of land.**

except the party appealing ; nor shall it affect any part of said report in any case, except the part appealed from ; nor shall it affect the possession of such company of the land appraised ; and when the same is made by others than the company, it shall not be heard except on a stipulation of the party appealing not to disturb such possession during the pendency of such proceedings.

SEC. 24. If there are doubts about the title, or to whom the money, or any part of it, to be paid as compensation for the real estate or property taken belongs, the court may direct the money to be paid into the said court by the company, and may determine who is entitled to the same, and direct to whom the same shall be paid, and may in its discretion order a reference to ascertain the facts on which such determination and order are to be made.

Judge to decide on adverse claims.

SEC. 25. The court shall have power at any time to amend any defect or informality in any of the special proceedings authorized by this act, as may be necessary, or to cause new parties to be added, and to direct such further notices to be given to any party in interest as it deems proper ; also to appoint other commissioners in the place of any who shall die, or refuse, or neglect, or are unable to serve, or who may leave or be absent from the State.

Court to amend defects, etc., in proceedings and fill vacancies in board of commissioners.

SEC. 26. At any time after an attempt to acquire title by any railroad company by an appraisal of damages or otherwise, if it shall be found that the title thereby attempted to be acquired is defective, the company may proceed anew to acquire or perfect the same in the same manner as if no appraisal had been made, and at any stage of such new proceedings the court may authorize the corporation, if in possession, to continue in possession, and if not in possession, to take possession of and use such real estate or other property during the pendency and until the final conclusion of such new proceedings ; and may stay all actions or proceedings against any company, or any officer or workman of such com-

Proceedings when title sought, is found to be defective.

pany, on account thereof, on such company paying into court a sufficient sum or giving security, as the court may direct, to pay the compensation therefor when finally ascertained; and in every such cause the party interested in such real estate or other property may conduct the proceedings to a conclusion if the company delays or omits to prosecute the same: *Provided*,

Proviso.

Acquiring title after occupation of lands.

Any railroad company which have heretofore entered upon, taken, occupied, and used any lands within this State for the purpose of their road, shall have the same right to acquire title to, or right of way over, said lands so taken by them, as if they had proceeded to acquire said title or right of way before having entered upon the same.

Acquiring title to State or municipal lands.

SEC. 27. If any such company shall, for its purposes aforesaid, require any land belonging to the State, or to any city, village, county, or town, the Commissioner of the State Land Office, and the city, village, county, and town officers respectively having charge of the said lands, may grant such lands to such company for a compensation which shall be agreed upon between them; or in case they cannot so agree, then such lands shall be appraised as in other cases. All petitions or notices, in cases when the State is the owner, shall be served on the Commissioner of the State Land Office; where a city or village is the owner, on the mayor or other chief executive officer; when a county is the owner, on the prosecuting attorney of such county; and when the township is the owner, on the supervisor of such township.

On whom petitions or notices served.

Company may build spur tracks or branches.

SEC. 28. Any company organized under this act may build such spur tracks or branches as may be found necessary to develop business along its line of road, as the board of directors may judge to be expedient, and for that purpose shall have the same powers and rights in all respects as are conferred upon it for the construction of the main line, and may subscribe to the capital stock of any other company organized under this act with the assent of such other company; and any railroad chartered or organized under any

May subscribe to stock of other companies.

other law of this State, may subscribe to the capital stock of any company organized under this act, not having the same terminal points and not being a competing line, with the assent of the company to whose stock such subscription is made; and any company organized under this act may make any arrangement with any other railroad company, whether organized or incorporated under this act or any other act, for running its cars over the road of such other company, or for the working and operating of such other roads as said companies shall mutually agree upon; and any companies organized or incorporated under this or any other act whose lines are connected, may enter into any arrangements for their common benefits, consistent with and calculated to promote the objects for which they were created. All companies owning or operating such spur or branch railroad, or making any such contract or agreement with connecting or intersecting lines of railroad, shall furnish cars and transport freight over such spur, branch, or connecting road, at the same rates and subject to the same restrictions and regulations as shall be adopted for the transportation of freight upon the main line. All railroad companies in this State, shall furnish equal facilities for the transportation of passengers and freight to all railroads that shall connect with or intersect its line of railroad, without discrimination in favor of or against any such connecting or intersecting line of road.

May arrange with other companies for running cars over their roads, etc.

Rates, etc., on branch roads and connecting lines.

All companies to furnish equal facilities to connecting or intersecting railroads.

SEC. 29. Any railroad company in this State, forming a continuous or connected line with any other railroad company, may consolidate with such other company, either in or out of this State, or partly within and partly without this State, into a single corporation: *Provided*, That no such companies owning parallel or competing lines shall be permitted to consolidate themselves into one corporation. The directors of said two or more corporations may enter into an agreement, under the corporate seal of each, for the consolidation of the said two or more corporations, prescribing the terms

May consolidate,

Except competing lines.

Directors may agree upon terms of consolidation.

What agreement shall contain.

and conditions thereof; the mode of carrying the same into effect; the name of the new corporation, the number of the directors thereof, and the names of those who shall be the first directors, which shall be deemed and taken to be the first election of the directors of the consolidated company; which number shall not be less than five, nor more than fifteen; the time and place of holding the first election of directors after the consolidation, which time shall not exceed six months after such consolidation has been sanctioned by the stockholders of said two or more corporations, as hereinafter provided; the number of shares of capital stock in the new corporation; the amount of each share; the manner of converting the shares of capital stock in each of said two or more corporations into shares in such new corporation; with such other details as they shall deem necessary to perfect such consolidation of said corporations; and such new corporation shall possess all the powers, rights, and franchises conferred upon such two or more corporations; and shall be subject to all the restrictions and perform all the duties imposed by the provisions of their respective charters, or laws of organization, not inconsistent with the provisions of this act. Such agreement of the directors shall not be deemed to be the agreement of the said two or more corporations until after it has been submitted to the stockholders of each of said corporations separately, at a meeting thereof, to be called upon a notice by publication at least once in each week for four successive weeks, in one of the daily papers published in the city of Detroit, and some newspaper published in each county in this State through which said roads run, in which a newspaper shall be published; the first publication to be at least sixty days before the time specified for said meeting, and signed by the secretaries of each of said companies proposing to consolidate, stating the purpose and object of said meeting, and has been sanctioned by such stockholders by a vote of a majority in interest of the stockholders,

Powers, rights, etc., of consolidated company.

When agreement of directors deemed agreement of corporation.

Notice of meeting of stockholders for concurrence.

Time of first publication.

Contents of notice.



in person or by proxy, each share of capital stock being entitled to one vote; and when such agreement of the directors has been so sanctioned by each of the meetings of the stockholders separately, in the manner above mentioned, then such agreement of the directors shall be deemed to be the agreement of the said two or more corporations. A copy of said contract or consolidation agreement filed in pursuance of this act, or of an act entitled "An act to provide for the incorporation of railroad companies," approved February twelve, eighteen hundred and fifty-five, and the acts amendatory thereof, and the acts amending or revising the same, with the Secretary of State, and certified by him to be a copy, shall in all courts and places be presumptive evidence of the consolidation of said two or more companies, and of all the facts therein stated: *And provided*, That any railroad bridge company, or railroad tunnel company which may be organized under this act to bridge or tunnel the Detroit river, or the St. Clair, or any of the waters in the jurisdiction of this State, shall have the right to consolidate the stock, property, and assets of said company with the stock, property and assets of any company organized or to be organized under the laws of this State, or which may be created under the laws of any adjacent State or country, to construct any such bridge or tunnel therewith, upon such terms, conditions, and agreements as may by the said two corporations be deemed just and equitable: *Provided*, That every such bridge or tunnel shall be so constructed as not to be a material obstruction to navigation.

Certified copy of agreement, filed with Secretary of State, evidence of consolidation

Proviso relating to tunnelling or bridging certain waters.

Proviso. Navigation not to be obstructed.

SEC. 30. Upon making the agreement mentioned in the preceding section, in the manner required therein, and filing a duplicate thereof in the office of the Secretary of State, the said two or more corporations mentioned or referred to in this section shall be merged in the new corporation provided for in such agreement, to be known by the corporate name therein mentioned, and the details of such agreement shall be carried into effect as provided therein. And all and singular,

When agreement is completed, filed, etc., the consolidation complete.

Rights, franchises, etc., of consolidated corporation.

the rights and franchises of each and all of said two or more corporations, parties to such agreement, and all and singular, their rights and interests in and to every species of property and things in action, shall be deemed to be transferred to and vested in such new corporation, without any other deed or transfer; and such new corporation shall hold and enjoy the same, together with all the right of way and all other rights of property, in the same manner and to the same intent as if the said two or more corporations, parties to such agreement, should have continued to retain the title and transact the business of such corporation; and the titles and the real estate acquired by either of said two or more corporations shall not be deemed to revert or be impaired by means of anything in

Proviso. Rights of creditors of railroad companies not impaired by consolidation.

this act contained: *Provided*, That all rights of creditors, and all liens upon the property of either of said corporations, parties to the said agreement, shall be and hereby are preserved unimpaired, and the respective corporations shall continue to exist so far as may be necessary to enforce the same: *And pro-*

Proviso. Debts, liabilities, etc., to attach to consolidated corporation.

*vided further*, That all the debts, liabilities, and duties of either company shall thenceforth attach to such new corporation, and be enforced against the same, to the same extent and in the same manner as if such debts, liabilities, and duties had been originally incurred by it.

Privileges of tunnel companies.

SEC. 31. It shall be competent for all railroad tunnel companies organized under this act, to construct tunnels under the waters of this State, to extend the railroad track or tracks which they may lay through any tunnel which they may construct, so as to connect with any railroad whose business may pass through it, and for that purpose may acquire the right of way over or under or across any private property, in the same manner as herein provided for acquiring the right of way for railroads, and may, with the authority of the common council of any city, acquire the right to cross and use such portion of any street as may be found necessary; and to raise money, shall have the same authority as is herein con-

ferred upon railroad companies to issue and sell bonds, and secure their payments by deeds of trust; and for all such purposes the said railroad tunnel companies shall have the same rights as railroad companies organized under this act.

SEC. 32. Any such tunnel company shall have the right to negotiate with any railroad company which may connect with its tunnel, for the purpose of obtaining aid in the construction of its work, and such railroad company shall have full power and authority to grant such aid upon such terms as may be agreed upon by both parties; which aid may be given by subscription to capital stock, or by guaranteeing bonds, or by both, or by a lease and agreement to pay rent, or in any other form which shall be found most effectual to accomplish the purpose and enable the said companies to procure the requisite means.

Aid for same from railroad companies.

SEC. 33. The said companies shall have the right to charge such fair compensation for the use of its said road and tunnel by the railroad companies or horse-railroad companies whose business shall pass along and through it as shall be found by experience sufficient to enable them to pay, first, all the expense of keeping the works in repair and interest upon the money borrowed for the construction thereof, and dividends not exceeding ten per cent upon their capital stock, and such additional sum as may furnish a sinking fund each year, not to exceed five per cent of the amount of its bonded debt, for the purpose of gradually extinguishing the same.

Compensation for use of tunnel.

SEC. 34. All railroad companies whose tracks may connect with such tunnels, shall have the right to send their business through them upon such terms as shall be just and fair, and the charges for the passage of freight and passengers from all railroads shall be the same, and with no discrimination in favor of or against the business of any connecting road.

Right of companies connecting with tunnels to use of same.

SEC. 35. Whenever two railroad companies shall, for a portion of their respective lines, embrace the same location of line, they may, by agreement, provide for the construction of so much of said lines as is common to both of them by one of them.

Two companies may agree as to construction on line common to both, by one of them.

Change of  
articles of  
company  
which is not  
to construct.

Company  
not hereby  
released  
from charter  
obligation to  
build, etc.

Proceedings  
when cross-  
ings or con-  
nections are  
sought to be  
made.

Expenses  
thereof,  
how borne.

Compensa-  
tion for  
making, how  
ascertained.

Proviso.  
Not to ex-  
ceed value of  
land occu-  
pled.

the companies, and for the manner and terms upon which the business thereon shall be performed. Upon the making of such agreement, the company that is not to construct the part of the line which is common to both, may alter and amend its articles of association so as to terminate at the point of intersection, and may reduce its capital to a sum not less than eight thousand dollars for each mile of the road proposed to be constructed in such amended articles of association. Nothing in this act shall be construed to release any chartered company from building any line of road, which by its charter it is obligated to build, or to transfer to any other company, by virtue of this section or any agreement made in pursuance thereof, such obligation.

SEC. 36. Any railroad company desiring to make the crossing or connection mentioned in subdivision six of section nine of this article, shall give written notice to the superintendent, or assistant superintendent of the company or companies whose road or roads it desires to cross or connect with, of the time when, and the place where, it desires to make such crossing or connection, at least ten days before the time when it desires to make such crossing or connection, and at the expiration of such time such crossing or connection may be made. The expense of making the same shall be borne by the company making it, but all expenses connected with or incident to the existence or maintenance of such crossing or connection shall thereafter be borne equally by the companies whose roads form such crossing or connection. If, after such crossing or connection shall have been made, the companies cannot agree as to the compensation which should be made by the company making such crossing or connection, the same shall be ascertained by like proceedings and in like manner as provided in this act for the taking of land and other property: *Provided*, That such company shall not be required to pay an amount exceeding the value of the land of such other company or companies, that it actually occupies in such crossing

or connection: *And provided further,* That no such crossing or connection shall be made within the depot limits of any such company without the consent of such company, or acquiring the right thereto as provided in this act for the taking of land and other property.

*Proviso, Making connections within depot limits.*

SEC. 37. It shall be competent and lawful for the trustees, in any deed of trust or mortgage of and upon any railroad, in case of the inability of said company, or its default in the payment of the principal or interest money secured thereby, in pursuance of any power of sale contained therein, to offer the same for sale, according to the power, and in pursuance of its terms, and on such sale to execute a deed of the premises sold, which said deed, duly executed, shall convey the title to the purchaser or purchasers, and authorize them to enter into possession and enjoyment thereof, as fully as may be provided in said mortgage or deed of trust; and it shall be competent and lawful for all railroad companies organized under this act, for the purpose of securing their bonds, authorized to be issued in accordance with its provisions, to execute such mortgage, or deed, with such power contained therein for the sale of the property mortgaged, or deeded, as shall, in its judgment, or the judgment of the board, be found expedient, and such power and sale in accordance therewith shall be lawful and valid.

*Mortgage sales, etc.*

*Rights of purchasers.*

*Authority of companies to execute mortgages, etc., with power of sale.*

SEC. 38. All companies organized under this act shall have power from time to time to borrow such sums of money as may be necessary for completing, finishing, equipping, or operating their road, or any part thereof, or for paying any indebtedness necessarily incurred for completing, finishing, or operating their road, or any part thereof; and to issue and dispose of their bonds or obligations for any amount necessarily borrowed for such purpose, for such sums and for such rate of interest, not exceeding ten per cent, as they may deem advisable, and to mortgage their corporate property and franchises and the income thereof, or any part thereof, to secure

*Companies may borrow money, issue bonds, mortgage property, etc.*

Bonds convertible into stock within ten years.

Increase of capital stock

Two-thirds vote of stock necessary to increase.

Notice of meeting of stockholders therefor.

the payment of any debt contracted or to defray any expenditure by the company for the purpose aforesaid. And the directors of any such company may confer on any holder of any such bond or obligation the right to convert the same into the stock of said company at any time not exceeding ten years from the date of said bonds, on such terms and under such regulations as the company may see fit to adopt; and said company may sell their bonds or obligations, either within or without this State, and at such rates and prices as they may deem proper. Any such company may at any time, with the concurrence of the stockholders representing a majority of the stock, a majority in value of its stockholders, at any annual meeting, or at any special meeting of the stockholders called for that purpose, increase its capital stock, or provide for the issue of preferred or secured stock, for the purpose aforesaid, upon such terms and conditions as to them may seem meet. In case the capital stock of any such company or corporation organized under this act shall be found insufficient for constructing or operating its road, or for building a double track, repairs, or other improvements to facilitate the transportation of persons or property, such corporation may, with the concurrence of two-thirds in value of all its stock, increase its capital stock from time to time to any amount required for the purpose aforesaid; such increase shall be by a vote in person or by proxy of two-thirds in amount of all the stock of such corporation, at a meeting of the stockholders called by the directors of the corporation for such purpose, by giving notice in writing to each stockholder, to be served personally, or by depositing the same in a postoffice, directed to the postoffice address of each of said stockholders severally, with necessary postage for the transmittal of the same prepaid, at least sixty days prior to the day appointed for such meeting, and by advertising the same in some newspaper published in each county through or into which the said road shall run or be intended to run, or if a newspaper shall not

be published therein, then such meeting shall be advertised in two newspapers published in the city of Detroit at least sixty days prior to the day appointed for such meeting; and such notice shall state the time and place of the meeting, the object thereof, and the amount to which it is proposed to increase such capital stock, and at such meeting the corporate stock of such corporation may be so increased, by a vote of two-thirds in amount of the corporate stock of such corporation, to an amount not exceeding that mentioned in the notice so given.

SEC. 39. In case one or more railroad companies shall use a common track into any of the cities or villages of the State, and it shall be found expedient to use a common or joint station ground therein, it shall be competent and lawful for the said companies whose interests shall be common in such track or tracks or station grounds, to enter into such agreements for such purpose as may become necessary for the joint use of the same, and such agreements, duly made and approved by the boards of directors of the two or more companies, shall be valid and binding upon all the parties thereto; and in case it shall be found necessary at any time to enlarge the station grounds at any such city or village for the convenience of said companies jointly using the same, it shall be competent and lawful for either one of the companies to negotiate for and obtain such grounds as may be needed for that purpose, and if they cannot be obtained by purchase, then either company may acquire the same under the provisions of the act regulating the mode and manner of obtaining lands necessary for the construction of railroads and stations; and in such case it shall be competent and lawful for such grounds so obtained to be used in common, and the companies so using may contribute, in such manner as may be agreed upon between them, the money to pay for the same; and such land, when obtained by purchase or by appraisal and condemnation under the provisions of this act, may and shall enure for

Agreements  
between  
companies  
for the com-  
mon use of  
tracks and  
depot  
grounds.

Enlargement  
of station  
grounds.

the common benefit of all companies who by mutual arrangement and agreement shall be entitled to use them as a part of the common station ground as fully as if they had been acquired by a joint purchase by all of said companies.

Depot accommodations at junctions and joint terminals.

Commissioner to determine rate of compensation therefor, when corporations cannot agree

SEC. 40. Where two or more railroads terminate or connect in the same city or town, each shall, for a reasonable compensation, provide upon its road at such terminus or connection, suitable depot accommodations for the passengers or merchandise of the other road terminating or connecting with it, and shall receive the same in the manner it receives and delivers its own passengers and freight, and at the rates provided by law. If the corporations cannot agree upon the terms and conditions upon which such accommodations shall be furnished and the business transacted, the Commissioner of Railroads shall determine the rate of compensation to be paid for the depot accommodations required for the proper reception and delivery of such passengers and merchandise over, and other business upon and connected with said roads in which they are jointly interested, and the manner in which the business shall be done, and apportion to the corporations their respective shares of the expenses, receipts, and income of the same; and the award of the Commissioner shall be binding upon the corporations.

### ARTICLE III.

#### TAXATION.

Annual report to Auditor General.

SECTION 1. Every company shall, on or before the first day of May in each year, make and file with the Auditor General a report, which shall be verified by the president or vice president and acting superintendent of such company, of its operations for the year ending on the last day of December next previous thereto, and shall state—

Contents of report.

*First*, The capital stock and the amount paid in;  
*Second*, The amount expended for the purchase of lands for buildings, and for engines and cars, respectively;



*Third,* The amount and nature of its indebtedness, and the amounts due to the company;

*Fourth,* The amounts received for the transportation of passengers, of property, of mails, and from all other sources, including receipts for land sold;

*Fifth,* The amount paid for operating expenses and ordinary repairs and construction;

*Sixth,* The number and amount of dividends, and when paid;

*Seventh,* The number of engine houses, shops, and cars, and their character;

*Eighth,* The number of miles of road completed and in operation, and between what points completed, and between what points operated;

*Ninth,* The amount of freight transported, specifying the quantity in tons, of minerals, products of the forest, animals, animal and vegetable food, manufactures, merchandise, and other articles;

*Tenth,* The number of miles run by passenger, freight, and other trains, respectively; the number of passengers transported, and the average number of miles of each passenger;

*Eleventh,* The width of the gauge of the road;

*Twelfth,* Such other matters as the Auditor General may require.

SEC. 2. Any such company which shall neglect to make such report, or which shall willfully make a false report, shall be liable to a penalty of one thousand dollars; and it shall be the duty of the Auditor General, and he is hereby required, in case any such corporation incurs the penalty aforesaid, to forthwith issue his warrant for the collection of the same in the same manner, and to levy and collect the same in all respects as is herein provided for the collection of taxes against such corporation; and the collection of such penalty shall not absolve the corporation from the obligation to make such report, but it shall still be its duty to make the same, and

Penalty for non-compliance, or for making false report.

Collection of same.

a willful neglect or refusal to do so may be cause for a forfeiture of the corporate franchises.

Tax upon  
gross re-  
ceipts, pay-  
ment of.

How com-  
puted.

To be in lieu  
of other  
taxes.

Certain real  
estate, how  
taxed.

When only  
part of road  
is within  
this State.

Assessment  
of taxes  
upon roads  
that are  
leased.

SEC. 3. Every company formed under the provisions of this act shall, on or before the first day of July in each year, pay to the State Treasurer, on the statement of the Auditor General, an annual tax upon the gross receipts of said company, computed in the following manner, viz: Upon all gross receipts not exceeding four thousand dollars in amount per mile of road actually and regularly operated for the conveyance of passengers and freight, two per cent of such gross earnings; upon such gross receipts in excess of four thousand dollars per mile so operated, three per cent thereof; which amount or tax shall be in lieu of all other taxes upon the property of such companies, except such real estate as is owned and can be conveyed by such corporation under the laws of this State and not actually occupied in the exercise of its franchises, and not necessary or in use in the proper operation of its road; but such real estate so excepted shall be liable to taxation in the same manner, for the same purposes, and to the same extent, and subject to the same conditions and limitations as to assessment for taxation, to taxation, and to the collection and return of taxes thereon as is other real estate in the several townships within which the same may be situated. And when a railroad lies partly within and partly without this State, there shall be paid such portion of the tax herein imposed as the length of the operated road lying within this State bears to the whole length of the operated portion thereof.

SEC. 4. In case any railroad shall have been, or shall hereafter be, conveyed by way of lease, or any other agreement by which it shall be worked or operated by another company, under the provisions and authority contained in this act, with the obligation or right on the part of the company taking or holding a lease, or other working agreement, to pay the taxes on the leased road, it shall be competent and lawful for the company so obligated, or having the right to pay the said tax,

to set forth the facts, and the extent of the road so leased, and the amount and description of the property so held by it, in a statement to the Auditor General; and thereupon the taxes to be assessed upon the railroad of the company, or portion of which, or the whole of which has been so leased, shall be assessed against the lessee, which shall be notified of the same; and in case a portion only of said road has been so leased or conveyed, the taxes shall be justly apportioned by the Auditor General, so that the said lessee shall be required and bound only to pay the proper portion thereof, to be assessed against the property in its possession and control.

SEC. 5. This State shall have a lien upon all railroads therein, and their appurtenances and stock therein, for all penalties, taxes, and dues which may accrue to the State from the companies owning or operating the same, which lien of the State shall take precedence of all demands, judgments, or decrees against said companies; and each citizen of the State shall have a lien upon all the personal property of said company, for all penalties, dues, and demands against any such company to the amount of one hundred dollars, originally incurred or contracted within this State, which, after said lien of the State, shall take precedence of all other debts, demands, judgments, or decrees, liens, or mortgages against said company.

Lien of State upon roads for taxes, penalties, etc.

Lien of citizens.

## ARTICLE IV.

### POLICE REGULATIONS.

SECTION 1. On and after the thirty-first day of October, eighteen hundred and seventy-three, no regular passenger train shall be run in this State without an air-brake attached thereto, or some like or equally effective device, to be approved by the Railroad Commissioner, which may be applied by the engineer of the train for checking the speed of a train of cars; and every railroad company, person, or corporation owning or operating a railroad in this State, which shall permit any such

Air brake upon passenger trains.

Forfeiture  
for running  
train with-  
out air-brake

train to be run on such road without such brake, shall forfeit for every train so run the sum of fifty dollars, to recover which, such company, person, or corporation shall be liable in an action on the case to be brought in behalf of the people of this State, and the money so realized shall be paid into the State treasury.

Flagman,  
gate, or  
bridge at  
street cross-  
ings.

SEC. 2. On and after July thirty-one, eighteen hundred and seventy-three, every company, person, or corporation owning or operating a railroad within this State, shall construct and maintain a gate or bridge, or maintain a flagman to signal trains at every highway or street crossing on the line of such road, where the same shall be required by the Commissioner of Railroads, as hereinafter provided. Any company, person, or corporation neglecting or refusing to construct such gate or bridge, or to maintain such flagman where so required as aforesaid, shall forfeit for every such neglect or refusal the sum of one hundred dollars, and the further sum of ten dollars for every day while such neglect or refusal shall continue.

Forfeiture  
for not main-  
taining.

Commis-  
sioner to  
give notice  
that same is  
required.

SEC. 3. Whenever in the opinion of the Commissioner of Railroads, the public interests require that a gate be constructed and maintained at any railroad crossing, or a bridge be built over such railway at such crossing, or that a flagman be stationed and maintained at such crossing, he shall give to the superintendent of such railroads a written notice that the same is required; and such company, person, or corporation shall construct or maintain the same within such time thereafter as said Commissioner shall prescribe.

Gates, loca-  
tion, and  
construction  
of.

SEC. 4. All gates which, by the provisions of this act are under the direction of the Commissioner of Railroads, may be required to be constructed at street or highway crossings, shall be located on the highway or street on one side of the railroad only, and shall be so constructed as when closed to obstruct and prevent any passage across such railroad from the side on which such gate may be located. There shall be a

person in charge of every such gate at all hours of the day and night, and it shall be his duty to close the same at the approach of a train of cars, or of a locomotive, and to keep it open at all other times. For every neglect of such duty, such person, upon conviction thereof, shall pay the sum of twenty-five dollars, or be imprisoned in the county jail for the period of ninety days, or both, in the discretion of the court.

Person to be always in charge of.

His duties.

Penalty for neglect of duty.

SEC. 5. No person shall be employed as an engineer, train dispatcher, fireman, baggage-master, conductor, brakeman, or other servant upon any railroad, in any of its operating departments, who uses intoxicating drinks as a beverage; and any company in whose service any such person shall knowingly be employed shall be liable to a penalty of five hundred dollars for every such offense, to be sued for in the name of the people of the State of Michigan.

Use of intoxicating drinks by employees prohibited.

SEC. 6. If any person shall be intoxicated while in charge of a locomotive engine, running upon the road of any such company, or while acting as the conductor of any train of cars on any such road, he shall be liable for all damages incurred or produced in consequence thereof, and shall be deemed guilty of a misdemeanor: *Provided*, That this shall not affect or release the railroad company from any such liability.

Liability of person having charge of engine for being intoxicated.

Proviso.

SEC. 7. Any conductor, engineer, servant, or other employee of any such railroad corporation, who shall knowingly violate any of the written or printed rules or regulations of such company in relation to running of engines or trains, shall be subject to a fine of not less than twenty-five dollars nor more than one hundred dollars, or to an imprisonment in the county jail not more than three months, or both such fine and imprisonment, in the discretion of the court.

Penalty for violating rules of company.

SEC. 8. If any person shall refuse to pay his fare, or refuse to obey such regulations as may be established for the convenience and safety of passengers, it shall be lawful for the conductor of the train and servants of the company to

Putting passengers off train.

put him off the train at any usual stopping-place, or opposite any dwelling house the conductor may select.

Use of abusive language, etc., by passengers, cause for arrest and removal.

SEC. 9. In case it shall become necessary for the protection of the passengers on any railroad car from the violent, abusive, profane, or indecent language or conduct of any passenger, the conductor of such train is hereby authorized and empowered to arrest such passenger and remove him to the baggage car, or some safe and secure place on such train, until its arrival at some usual stopping-place, where he may be put off of the train and put into the custody of some proper officer for prosecution if necessary; for this purpose railroad conductors, while in charge of trains, are hereby invested with the powers of sheriffs and constables.

Conductors invested with powers of sheriff, etc.

Penalty for disorderly conduct in cars.

SEC. 10. Any person who shall, while riding in the cars on any railroad in this State, use or utter indecent, obscene, or profane language in the hearing of other passengers, or shall riotously or boisterously conduct himself or herself to the annoyance of other passengers, shall, on the conviction thereof, be deemed guilty of a misdemeanor, and shall be fined in the sum of twenty-five dollars or imprisoned in the county jail for a period of sixty days, or both, in the discretion of the court.

Prosecution for; how made, before whom commenced.

Upon the statement in writing, signed by the conductor of any train, specifying in what respect any such person has misbehaved, and the delivery of such statement to the sheriff or deputy sheriff or constable of any county or policeman of any city or village in this State, such officer shall take the person so offending into custody, and it shall be his duty to institute complaint against such person for such offense before a justice of the peace, and such justice shall have jurisdiction to try such offender, and to impose the judgment authorized by this section.

Making up passenger trains.

SEC. 11. In forming a passenger train upon any railroad operated in this State, the engine shall be placed at the head of the train, and no baggage or freight car shall be placed in the rear of any passenger car; and any officer, agent, or other employe who shall cause them to be so placed, or who

shall knowingly suffer the same to be done, shall be deemed guilty of a misdemeanor, and be punished accordingly.

SEC. 12. If any person shall, by the placing of any im-  
 pediment upon the track of any railroad, or by any other  
 means whatsoever throw from said track any engine or cars  
 used thereon, or attempt so to do, whether such engine or cars  
 be thrown from said track or not, or shall by any other means  
 whatsoever willfully endanger or attempt to endanger the  
 lives of persons engaged in the work of said road, or persons  
 traveling on the engine or cars of said road, he shall be  
 subject to imprisonment in the State Prison during his natu-  
 ral life, or any number of years, in the discretion of the court.  
 And it shall not be necessary for the people to allege or prove  
 in any such case that the person thereby intended to injure or  
 endanger the life of any particular person or persons.

Punishment  
for placing  
impediments  
upon the  
track, etc.

SEC. 13. A bell of at least thirty pounds weight and a  
 steam whistle shall be placed on each locomotive engine, and  
 said bell shall be rung or whistle sounded at the distance of not  
 less than forty rods from any street or road crossing; and such  
 whistle shall be sounded or bell rung until such street or road  
 is crossed, under a penalty of one hundred dollars for every  
 neglect; and the company shall also be liable for all damages  
 which shall be sustained by any person by reason of such neg-  
 lect. Every railroad corporation shall, and they are hereby  
 required to cause boards to be placed, well supported by posts  
 or otherwise, and maintained at each public road or street,  
 where the same is crossed by the railroad and on the same  
 level. The boards shall be elevated so as not to obstruct the  
 travel and to be easily seen by travelers, and on each side of  
 said board shall be painted, in letters of not less than twelve  
 inches in height, the words "Railroad crossing;" but such  
 boards need not be put up in cities or villages unless required  
 by the proper officers thereof. This provision shall not apply  
 to boards already erected at the time of the passage of this act.

Bell and  
whistle on  
locomotives,  
when used  
and penalty  
for neglect  
to use.

Sign-boards  
across  
streets.

Trains to stop before crossing other rail-roads.

Which train to have precedence.

Penalty for violation.

Fences, cattle-guards, etc.

Liability previous to fencing, etc.

SEC. 14. Every locomotive engine, passenger, freight, or other train of cars running on any railway, shall be brought to a full stop, not nearer than two hundred feet nor further than eight hundred feet from any railroad crossing, and shall not cross until the way is clear; and when two passenger or freight trains come up at the same time, the train on the road first built shall have precedence, provided they are both main tracks over which passengers and freights on said road are transported; but if only one is such main track and the other is a side or depot track, then the train on the main track shall take precedence. But if one of said trains is a passenger and the other a freight train, then the former shall take the precedence; and every engineer, conductor, or other person having charge or control of said engine or train who shall offend against the provisions of this section, shall be liable to a fine of not exceeding one hundred dollars for each violation.

SEC. 15. Every railroad company formed under this act, or any former act, and every corporation owning or operating any such railroad shall erect and maintain fences on the sides of their respective roads of the height and strength of a division fence required by law, with fences and cattle-guards at all highway and street crossings, sufficient to prevent cattle or other animals from getting on such railroad; also gates or bars convenient for farm crossings. Until such fences and cattle guards, or ditches, shall be duly made, such company or corporation owning or operating such road, shall be liable for all damages done to cattle or other animals thereon, which may result from the neglect of such company or corporation maintaining or operating such road to construct and maintain such fences, cattle guards, or ditches as aforesaid; and after such fences, cattle guards, or ditches shall be duly made and maintained, such company or corporation shall not be liable for any such damages, unless negligently or willfully done. And every corporation owning or operating any such railroad shall, within six months from the time any section or portion



of such road is finished and put in general use by running regular trains thereon, and in case of roads now in use within six months from the time this act shall take effect, shall erect and maintain such fences or obstructions as aforesaid. Any violation of the provisions of this section by any railroad company or corporation owning or operating such railway, shall be punished by a penalty of two hundred dollars per week for each and every week that they shall fail to comply with the provisions of this section: *Provided*, That if such fences or obstructions are not built as aforesaid along such portions of any such line of road as is or may be situate north of a line extending due west from the mouth of the Saginaw river to Lake Michigan, the corporation owning or operating such line of road shall not be liable to said penalty of two hundred dollars per week, but shall be liable to all the other provisions of this section; and if any person shall ride, lead, or drive, or intentionally permit any horse or other animal upon such road and within such fences and cattle guards or ditches, other than farm crossings, or shall injure or destroy, or make openings or passages through or over such fences, cattle guards, or ditches, without the consent of such company or corporation, he shall, for every such offense be liable to a fine not exceeding one hundred dollars, and shall also pay all damages which shall be sustained thereby to the party aggrieved.

Penalty for violation of provisions of section.

Proviso excepting roads north of mouth of Saginaw river.

Penalty for having animals within fences and cattle guards or making openings in fences, etc.

SEC. 16. Any railroad company building, owning, or operating any railroad in this State, shall be liable for all loss or damage to property by fire originating from such railroad, either from engines passing over such roads, fires set by company employes by order of the officers of said road, or otherwise originating in the constructing or operating of such railroad: *Provided*, That such railroad company shall not be held so liable if it prove to the satisfaction of the court or jury, that such fire originated from fire by engines whose machinery, smoke-stack, or fire-boxes were in good order and

Company liable for damages by fire originating from its road,

Proviso.

Not liable in certain cases

properly managed, or fires originating in building, operating, or repairing such railroad, and that all reasonable precautions had been taken to prevent their origin, and that proper efforts had been made to extinguish the same in case of their extending beyond the limits of such road, when the existence of such fire is communicated to any of the officers of such company.

## ARTICLE V.

### MISCELLANEOUS PROVISIONS.

Individual  
liability of  
stockholders  
for labor  
performed.

SECTION 1. All of the stockholders of any such company shall be individually liable for all the labor performed; but they shall not be liable to an action therefor until an execution shall be returned unsatisfied, in whole or in part, against the corporation, and the amount due on such execution shall be *prima facie* evidence of the amount recoverable with cost against any such stockholder; and every stockholder against whom any such recovery for labor, ties, wood, and supplies shall have been had, shall have the right to recover the same of the other stockholders in said corporation, in ratable proportion to the amount of stock they shall respectively hold.

Companies  
not liable  
when per-  
sons are  
killed on  
platform,  
etc.

SEC. 2. In case any passenger on any such road shall be killed or injured while on the platform of a car, or while in or on any baggage or freight car, in violation of the printed regulations of the company, posted up at the time in a conspicuous place inside its passenger cars then in the train, such company shall not be liable for the injury, if the injury be occasioned by the person being improperly on such platform or within such baggage or freight car, or after having been notified by the conductor or any other person having charge of any train, that such person is not in the proper place:

Proviso.

*Provided*, Said company at the time furnished room and seats inside its passenger cars sufficient for the proper accommodation of its passengers.

SEC. 3. If the directors of any corporation organized under this act, shall declare and pay any dividend when the company is insolvent, or the payment of which would render it insolvent, they shall be severally liable to a penalty of five hundred dollars.

Penalty for declaring a dividend when company is insolvent.

SEC. 4. If any certificate or report made or public notice given by the officers of any such company, in pursuance of the provisions of this act, shall be willfully false in any material representations, all the officers who shall have signed the same, knowing it to be false, shall be severally liable to a penalty of five hundred dollars each.

Penalty for making false certificate or report.

SEC. 5. Any corporation organized under this act or any former act, shall, when applied to by the Postmaster General, carry the mails of the United States on their road or roads respectively; but the prices shall not be less for carrying said mails in the regular passenger trains than the amount which said corporation would receive as freight on a like weight of merchandise transported on their merchandise train, and a fair compensation for their postoffice car.

Corporations to carry U. S. mail.

Compensation.

SEC. 6. If any railroad company shall not, within three years after its organization, begin the construction of its road and expend thereon ten per cent on the amount of the capital stock subscribed, and finish the road and put it in full operation in ten years from the time of its organization, it may be adjudged to have forfeited its corporate rights and privileges by any court of competent jurisdiction, on the petition of one-fourth in value of its stockholders, except as to so much thereof as shall be completed at the time of filing such petition.

When company may be adjudged to have forfeited its corporate rights, etc.

SEC. 7. Whenever the death of a person shall be caused by wrongful act, neglect, or default of any railroad company, or its agents, and the act, neglect, or default is such as would (if death had not ensued) entitle the party injured to maintain an action and recover damages in respect thereof; then and in every such case, the railroad corporation which would have

When death caused by wrongful act, neglect, or default, company to be liable for damages.

been liable if death had not ensued shall be liable to an action on the case for damages, notwithstanding the death of the person so injured, and although the death shall have been caused under such circumstances as amount in law to felony.

Action to be brought in name of personal representative.

Distribution of amount recovered.

Proviso.

Punishment for officer issuing fraudulent stock, etc.

Suits for penalties.

Act may be altered, amended or repealed.

Such alterations, etc., not to affect acquired rights.

SEC. 8. Every such action shall be brought by and in the names of the personal representatives of such deceased person, and the amount recovered in any such action shall be distributed to the persons, and in the proportion provided by law in relation to the distribution of personal property left by persons dying intestate; and in every such action the jury may give such amount of damages as they shall deem fair and just, to the persons who may be entitled to such damages when recovered: *Provided*, Nothing herein contained shall affect any suit or proceedings heretofore commenced and now pending in any of the courts of this State.

SEC. 9. If any president, secretary, or other officer of any railroad corporation within this State shall willfully, and with intent to defraud said corporation, or any other person, make, sign, issue, sell, or offer to sell, any false or fraudulent stock, or other evidence of debt of said corporation, he shall be deemed guilty of felony, and shall be punished by imprisonment in the State Prison, at hard labor, for a term not exceeding ten years.

SEC. 10. All penalties incurred under this act, when not otherwise provided for, may be sued for in the name of the people of the State of Michigan, and if such penalty be for a sum not exceeding one hundred dollars, then such suit may be brought before a justice of the peace.

SEC. 11. This act may at any time be altered, amended, or repealed, but such alteration, amendment, or repeal shall not affect the rights of property of companies organized under it; nor shall the dissolution of any such company take away or impair any remedy given for or against such corporation, its stockholders or officers, for any liability which shall have been previously incurred; and the provisions of this act

shall apply to all companies incorporated or existing under the laws of this State, except the Paw Paw railroad company, which shall in no manner be affected by the passage of this act, in respect to the franchises and privileges heretofore granted to said company.

Application of this act.  
Paw Paw railroad company. excepted.

SEC. 12. All acts and parts of acts contravening any of the provisions of this act are hereby repealed; but all proceedings pending, and all rights and liabilities existing, acquired, or incurred at the time this act takes effect, are hereby saved, and such proceedings may be consummated under and according to the law in force at the time such proceedings were commenced, or they may be abandoned and new proceedings taken under this act.

Repeal of contra-vening acts.  
Rights and liabilities existing, etc., saved.

SEC. 13. The following entitled acts are hereby repealed, viz: "An act to provide for the incorporation of railroads," approved February twelfth, eighteen hundred and fifty-five; "An act supplementary to an act entitled 'An act to provide for the incorporation of railroad companies,' approved February twelve, eighteen hundred and fifty-five," approved March twenty, eighteen hundred and sixty-three; "An act supplementary to an act entitled 'An act to provide for the incorporation of railroad companies,' approved February twelfth, eighteen hundred and fifty-five," approved March twenty-seven, eighteen hundred and sixty-seven; "An act to compel railroad companies to provide their passenger coaches with aprons between the coaches, for the protection of passengers, and for other purposes," approved March twenty-seven, eighteen hundred and sixty-seven; "An act for the relief of railroads in the Upper Peninsula," approved March twenty-seven, eighteen hundred and sixty-seven; also, "An act to revise the laws providing for the incorporation of railroad companies," approved April eighteen, eighteen hundred and seventy-one; also, all laws amendatory thereto, or in any of the parts thereof in conflict with the provisions of this act; but the organization of all corporations, under the provisions of either

Certain acts repealed.

Corpora-  
tions organ-  
ized under  
repealed acts  
deemed to  
be organized  
under this  
act, etc.

of said acts, shall be deemed and taken to be organizations under this act, and all rights, obligations, and liabilities contracted or incurred by any of such corporations thereunder, or under the provisions of any law now in force, not inconsistent with the provisions of this act, shall continue of the same force and effect as though such acts or law had not been repealed; and all such companies, from and after the taking effect of this act, shall be subject to all the provisions hereof as fully as though such organization had been perfected hereunder.

SEC. 14. This act shall take immediate effect.

Approved May 1, 1873.

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[ No. 199. ]

AN ACT to amend section four of an act entitled "An act to regulate the manufacture and provide for the inspection of salt," approved March sixth, eighteen hundred and sixty-nine, being section one thousand four hundred and sixty-one, chapter thirty-three of the compiled laws of eighteen hundred and seventy-one.

Section  
amended.

SECTION 1. *The People of the State of Michigan enact, That* section four of "An act to regulate the manufacture and provide for the inspection of salt," approved March sixth, eighteen hundred and sixty-nine, being section one thousand four hundred and sixty-one, chapter thirty-three of the compiled laws of eighteen hundred and seventy-one be and the same is amended so as to read as follows :

Salary of  
inspector.

Expenses.

Salary of  
deputies.

(1461.) SEC. 4. The inspector shall be entitled to receive an annual salary of twenty-five hundred dollars. He shall also be allowed the further sum of eight hundred dollars annually for the expense of providing and furnishing his office, and for clerk's hire, stationery, books, printing and traveling expenses. His deputies shall be entitled to such sums as he may approve, not exceeding in any case the sum of one hundred dollars per month for the time actually employed. All salaries and expen-

ses provided by this act and accounted for and paid out by him <sup>Salaries, etc.  
how paid.</sup> as provided in this act shall be retained by the inspector out of the money received under section five of this act; salaries to be paid monthly: *Provided*, That in case the amount of money received for the inspection of salt, according to the provisions of section five, shall not be sufficient to pay the salaries and expenses of the inspectors and his deputies as provided herein, that the amount of such deficiency shall be deducted from said salaries *pro rata* to each.

SEC. 2. This act shall take immediate effect.

Approved May 3, 1873.

## JOINT RESOLUTIONS.

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[ No. 1. ]

JOINT RESOLUTION providing that the amount heretofore appropriated for engrossing upon parchment a Roll of Honor, and for binding the same, shall be paid from the military fund.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the amount heretofore appropriated for the purpose of engrossing upon parchment a Roll of Honor, and for binding the same, shall be paid from the military fund, and not from the general fund; and the Auditor General is hereby directed to draw his warrant upon the State Treasurer for the amount actually expended under such appropriation upon the presentation of proper vouchers therefor.

Approved February 13, 1873.

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[ No. 2. ]

JOINT RESOLUTION requesting our Senators and Representatives in Congress to use their best endeavors to procure an amendment to the pension law granting pensions to the surviving soldiers of the war of eighteen hundred and twelve, so as to entitle all of said soldiers to a pension irrespective of time of service.

WHEREAS, By Act of Congress, approved February fourteenth, eighteen hundred and seventy-one, the surviving soldiers of the war of eighteen hundred and twelve, who had served sixty days and been honorably discharged, and the widows of



deceased soldiers who had rendered such service were granted pensions ;

AND WHEREAS, There is a class of soldiers of said war of eighteen hundred and twelve who do not come within the provisions of said act ;

AND WHEREAS, All or most of such soldiers and the widows of such as are deceased are in indigent circumstances ;

*Therefore, be it Resolved by the Senate and House of Representatives of the State of Michigan,* That in our opinion the provisions of said act should be so extended as to include all soldiers of the war of eighteen hundred and twelve, who remained loyal to the government during the late war, that have been honorably discharged, irrespective of their time of service ;

*Therefore be it further Resolved,* That our Senators and Representatives in Congress be and they are hereby requested to use all honorable means to procure such an extension of the provisions of said law ;

*And be it further Resolved,* That the Secretary of State be and he is hereby instructed to transmit a certified copy of these resolutions to each of our Senators and Representatives in Congress.

Approved February 19, 1873.

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[ No. 3. ]

JOINT RESOLUTION asking the Congress of the United States to provide for the improvement of the harbor at the mouth of the Manistique River, on Lake Michigan.

WHEREAS, That portion of Lake Michigan forming the southern shore of the Upper Peninsula of Michigan is becoming largely frequented by vessels engaged in the rapidly increasing commerce of said Peninsula, and has no point available for a harbor of refuge along its coast for a distance

of over one hundred miles, except at the mouth of the Manistique river ;

AND WHEREAS, The local business at that point is already important, and destined to become largely increased from the fact of its being the only port on the coast not closed by ice in the winter season, but permitting of uninterrupted communication with other similar ports on the lower sections of the lake aforesaid ; therefore be it

*Resolved by the Senate and House of Representatives of Michigan,* That the Congress of the United States be and they are hereby requested to make such appropriation for the survey and construction of piers at the mouth of the Manistique river in the Upper Peninsula of Michigan as may be necessary to afford a safe entrance and refuge therein for vessels engaged in commerce on the great western lakes ; and that our Senators in Congress be instructed, and our Representatives requested, to use all proper efforts to secure an immediate appropriation and survey for that purpose.

*Resolved,* That his Excellency the Governor be requested to transmit copies of the foregoing preamble and resolutions to each of our Senators and Representatives in Congress.

Approved February 21, 1873.

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[ No. 4. ]

JOINT RESOLUTION authorizing the Board of State Auditors to audit certain accounts for gas and gas fixtures.

*Be it Resolved by the Senate and House of Representatives of the State of Michigan,* That the Board of State Auditors be and is hereby authorized to audit the bills incurred for putting gas-pipe and fixtures in the State Capitol and in the building occupied by the State Library and State Offices ; and also the bills for gas consumed in lighting such buildings.

Approved February 28, 1873.

## [ No. 5. ]

**JOINT RESOLUTION** defining and confirming to the Chicago and Northwestern Railway Company the aid in lands heretofore authorized by law for the construction of a railroad from near the mouth of the Menominee river to Negaunee in the Upper Peninsula.

**WHEREAS,** For the purpose of encouraging the early completion of a line of railroad on a route from near the mouth of the Menominee river to Marquette on Lake Superior, by act two hundred and six of the session laws of the year eighteen hundred and sixty-one, approved March fifteenth, eighteen hundred and sixty-one, and act twenty-two of the session laws of the year eighteen hundred and sixty-two, approved January eighth, eighteen hundred and sixty-two, certain State swamp lands were heretofore granted by this State to any railroad company that should, on or before the eighteenth day of January, eighteen hundred and sixty-four, construct on said route ten miles of railroad, and ten miles of railroad each year thereafter;

**AND WHEREAS,** The Chicago and Northwestern Railroad Company, on or before the 31st day of December, eighteen hundred and seventy-two, had their railroad on said route completed, and in successful operation from near the mouth of the Menominee river to Escanaba, and from thence to Negaunee, a distance in all of nearly one hundred and twenty-seven miles; thereby having their railroad on said route constructed and in operation nearly four years earlier than it would otherwise have been had said railroad been constructed in sections of ten miles each year, as provided by said act; therefore,

*Resolved, by the Senate and the House of Representatives of the State of Michigan,* That said grant of swamp lands is hereby confirmed in the said Chicago and Northwestern Railway Company, for the construction of said railroad, from near the mouth of Menominee river to Negaunee, to the extent of the length of said railroad; and on ditches being constructed by said railway company on each side of said railroad as now constructed from near the mouth of the Menominee

river to Escanaba, in the manner provided by section three of said act two hundred and six, patents signed by the Governor shall thereupon be issued to said railway company, its successors or assigns, for the alternate sections of said swamp lands, designated by even numbers, as have been heretofore withdrawn from sale by the Commissioner of the State Land Office of this State, and reserved for said railway company for the construction of said railroad, as appears by the books or records in the State Land Office, showing such reservation or withdrawal: *Provided, however,* That said patent shall not be issued until ditches shall have been constructed by said company on each side of the line of their said road, as required by section three of said act two hundred and six: *And provided further,* That if said ditches shall not be constructed as above provided, and said patents issued and delivered to said company on or before the first day of October, eighteen hundred and seventy-three, said lands shall revert to the State of Michigan.

Approved March 7, 1873.

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[ No. 6. ]

JOINT RESOLUTION instructing the Board of State Auditors to make a settlement with Frederick A. Long.

WHEREAS, On the twenty-fifth day of October, eighteen hundred and forty-one, F. Sawyer, superintendent of public instruction of the State of Michigan, offered for sale at auction the primary school lands in St. Joseph county, State of Michigan;

AND WHEREAS, Frederick A. Long bid off the east half of the northwest quarter of section sixteen, town eight south, of range twelve west, and received purchase certificate number eight hundred and fifty-six, for eighty acres at five dollars per acre, and paid one-fourth of the purchase money as stipulated in purchase certificate, and interest on (\$300) three hundred

dollars from day of sale to October twelve, eighteen hundred and fifty-four ;

AND WHEREAS, Frederick A. Long then returned certificate number eight hundred and fifty-six, and received a new certificate for sixty-nine and thirty-nine hundredths acres, being ten and sixty one-hundredths acres less than purchase certificate, and Frederick A. Long did not receive the full amount of principal and interest that he had paid on the ten and sixty one-hundredths acres, either in money or land ; therefore,

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the Board of State Auditors be and they are hereby authorized and instructed to make a just and equitable settlement with said Frederick A. Long, for all lawful equitable claims against the State, growing out of a discrepancy between the number of acres contracted for, and the actual number of acres purchased in the fractional lot known as the east half of the northwest quarter of section sixteen, town eight south, of range twelve west.

This resolution shall take immediate effect.

Approved March 26, 1873.

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[ No. 7. ]

JOINT RESOLUTION asking Congress for an appropriation for the survey of the Michigan Ship Canal.

WHEREAS, The President of the United States, in the interest of cheap transportation, and in view of the growing commerce of the great West, has called the attention of Congress to the importance of constructing ship canals from the West to the East, for the better and cheaper transportation of the surplus products of the western granaries ;

*Resolved,* That this Legislature most cordially endorse this feature of the annual message of President Grant, believing as we do that the early construction of a few such canals would

be a great source of relief to the rapidly increasing commerce of the States of the Northwest.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That our Senators and Representatives in Congress be requested to use their influence to procure an appropriation for the survey of the Michigan Ship Canal, from some point on the eastern shore of Lake Michigan to some point on Lake Erie or Lake Huron.

*Resolved,* That his Excellency the Governor be requested to transmit copies of the foregoing preamble and resolutions to each of our Senators and Representatives in Congress.

Approved March 28, 1873.

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[ No. 8. ]

JOINT RESOLUTION for the relief of the Central Methodist Episcopal Church of Lansing, Michigan.

WHEREAS, By act number two hundred and thirty-one of the session laws of eighteen hundred and forty-eight, and the acts amendatory thereof, the Board of State Auditors were authorized on application in writing by any religious denomination of professing christians, and the payment of the sum of five dollars, to convey to said societies suitable grounds for the erection of houses of public worship, in the town of Michigan (now city of Lansing);

AND WHEREAS, Lot number seven of block number ninety-six in said city of Lansing was selected by the "Central Presbyterian Society," and the said sum of five dollars was paid by such society and a certificate of sale was issued to said society as appears by the records in the office of the Commissioner of the State Land Office;

AND WHEREAS, The said Central Presbyterian society prefer no claim and have now no legal existence, and having failed to pay the taxes upon said lot, the same was repeatedly sold and deeded by the State for taxes:

AND WHEREAS, The Central Methodist Episcopal Church of Lansing, Ingham County, Michigan, has purchased all the title to said lot seven, block ninety-six, transferred as aforesaid by the State in said tax deeds, paying therefor the sum of one thousand dollars for the purpose of a parsonage for said church;

AND WHEREAS, By a late decision of the Supreme Court the sufficiency of the title is questioned; therefore

*Resolved by the Senate and the House of Representatives of the State of Michigan,* That the Board of State Auditors are hereby authorized and directed to convey to the said Central Methodist Episcopal Church of Lansing, Michigan, the said lot seven, block ninety-six, according to the recorded plat of the said city of Lansing, upon the payment into the State treasury by said church of the sum of one dollar: *Provided,* That neither the said church nor any other person shall have any claim upon this State for money paid for taxes or for tax titles on said lot seven, block ninety-six.

Approved April 1, 1873.

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[ No. 9. ]

JOINT RESOLUTION authorizing the issue of a patent to Parson King, upon school land certificate numbered one thousand eight hundred and eighty-three.

WHEREAS, Parson King of Jackson county, Michigan, is the holder and rightful owner of school land certificate numbered one thousand eight hundred and eighty-three, and has paid the whole amount of principal and interest specified therein;

AND WHEREAS, A conditional assignment appears upon the back of said certificate, which assignment was never fully executed and no consideration ever paid therefor; therefore be it

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the Governor of the State be, and is hereby authorized to sign and cause to be issued to said Parson King, a patent for the lands described in said certificate, when-

ever the same shall be presented to him with the certificate of the Commissioner endorsed thereon, that the principal and interest and all the taxes, charges, and interest levied upon said lands, have been paid: *Provided*, It shall be made to appear to the Governor that said assignment was never fully executed, and never delivered, and that no consideration was ever paid therefor.

This resolution shall take immediate effect.

Approved April 3, 1873.

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[ No. 10. ]

JOINT RESOLUTION relative to the State Library.

SECTION 1. *Resolved by the Senate and House of Representatives of the State of Michigan*, That it shall be the duty of the State Librarian to issue a printed circular to the citizens of the State, inviting them to deposit in the State Library such minerals and geological specimens as any citizen may find upon his premises, or in any portion of the State; and also inviting them to donate any books, pamphlets, or papers pertaining to the history of Michigan; also any Indian relics and curiosities of any kind.

SEC. 2. Whenever any such specimens may be deposited in the library, it shall be the duty of the Librarian to correctly label and classify each specimen or gift, and to enter in a book kept for that purpose, the name of the donor, and the character and quality of each specimen or gift donated.

SEC. 3. The circular of the Librarian shall specify the kind and quality of specimens desired, in geology, mineralogy, and fossils.

SEC. 4. The cabinet so collected shall be open for the inspection of all persons, subject to the rules and regulations of the Librarian, during the same hours as are provided for the State Library.

SEC. 5. This resolution shall take immediate effect.

Approved April 15, 1873.



[ No. 11. ]

## JOINT RESOLUTION for the relief of E. O. Grosvenor and others.

WHEREAS, E. O. Grosvenor, James Shearer, and Alexander Chapoton, comprising the Board of State Building Commissioners, certified as such board to accounts due to Allen L. Bours for services rendered as secretary of said board from the sixteenth day of May to the thirtieth day of November, eighteen hundred and seventy-one, amounting in all to two hundred and forty-two dollars and five cents, which accounts were approved by the Governor and allowed by the Board of State Auditors, as required by law ;

AND WHEREAS, The Auditor General refused to issue his warrants upon the State Treasurer for the payment of said accounts, and the members of the said Board of State Building Commissioners, in consequence of such refusal, advanced the amount and paid to the said Bours the said sum of two hundred and forty-two dollars and five cents ;

AND WHEREAS, The said Board of State Building Commissioners have set forth in their memorial that there is still remaining due to the said Bours, for his services from the thirtieth day of November, eighteen hundred and seventy-one, to the first day of May, eighteen hundred and seventy-two, the sum of two hundred dollars ; therefore,

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the Auditor General be directed to issue his warrants on the State Treasurer for the sum of two hundred and forty-two dollars and five cents in favor of E. O. Grosvenor, James Shearer, and Alexander Chapoton, and for the sum of two hundred dollars, payable to Allen L. Bours, out of the State Building Fund.

*Resolved,* This joint resolution shall take immediate effect.

Approved April 17, 1873.

[ No. 12. ]

**JOINT RESOLUTION** instructing the Attorney General to ascertain if the State has been defrauded in the matter of the payment of bounties, or whether bounties have been illegally paid, and in case he finds the State has been defrauded, or bounties have been illegally paid, then to commence such proceedings as may be necessary.

**WHEREAS**, By the report of the Auditor General for the year ending September thirty, eighteen hundred and seventy-two, it is given as the opinion of the late Attorney General, and also as the opinion of the Auditor General, that the law under which the Quartermaster General claimed the authority to pay one hundred dollars bounty to soldiers re-enlisting between February five, eighteen hundred and sixty-four, and May fourteen, eighteen hundred and sixty-four, only provided for the payment of fifty dollars bounty ;

**AND WHEREAS**, It further appears from said report that thirty-nine thousand nine hundred and twenty-five (\$39,925) dollars have been erroneously paid as bounties to soldiers, the tables in said reports showing that the names of a large number of soldiers were used twice on vouchers for the payment of bounties, and double bounties paid thereon ; also names were used which have no records in the regiments and other organizations to which they are credited ; also names not credited to the State, indicating either fraud or gross negligence on the part of the officers charged with the duty of auditing and paying this class of claims against the State ; therefore, be it

*Resolved, by the Senate and House of Representatives of the State of Michigan*, That the Attorney General be and he is hereby instructed to ascertain if the State has been defrauded in the matter of the payment of bounties, or whether bounties have been illegally paid, and in case he determines that the State has been so defrauded or bounties have been illegally paid, that he at once commence such proceedings as may be

necessary to reimburse the State or bring the offenders to justice.

Approved April 17, 1873.

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[ No. 13. ]

JOINT RESOLUTION for the payment of printing done by  
R. A. Beal.

WHEREAS, R. A. Beal of Ann Arbor, Michigan, published the list of lands in the county of Washtenaw, delinquent for the taxes of eighteen hundred and seventy, advertised to be sold in eighteen hundred and seventy-one, such printing amounting to the sum of forty-three dollars and twenty cents;

AND WHEREAS, Section eighty-one of act number one hundred and sixty-nine, laws of eighteen hundred and sixty-nine, requires that all such bills shall be presented to the Auditor General, with proof of publication of such tax-list, within thirty days after the last publication thereof;

AND WHEREAS, In this case the same was not so presented within the said thirty days; therefore be it

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the Auditor General be authorized to pay such bill, on proof of the printing of said tax-list as required by said act, the same as though said bill had been presented during the time limited by said act.

This resolution shall take immediate effect.

Approved April 17, 1873.

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[ No. 14. ]

JOINT RESOLUTION asking Congress to provide for the  
early construction of a Niagara Falls Ship Canal.

WHEREAS, The experience of each passing year, and none more so than the past, fully and clearly demonstrates that the

agricultural States of the West must, by some means, secure greater facilities and cheaper rates of transportation to the Atlantic seaboard than they now possess, in order to insure their continued development and consequent prosperity ;

AND WHEREAS, That experience has equally demonstrated that those results can never be secured with the present means and facilities of transit ;

AND WHEREAS, In the judgment of this Legislature the only means of securing such greater facilities and cheaper rates, is by opening up continuous navigation of large capacity from Lake Erie down into Lake Ontario, and thence to the Atlantic Ocean. This can only be done by the construction of a canal adequate to the navigable capacity of the upper lakes around the Falls of Niagara ; therefore, be it

*Resolved by this Legislature*, That Congress be requested to adopt such legislation as shall insure the speedy construction of that work.

*Resolved*, That our Senators and Representatives in Congress be requested to use their best efforts to secure such legislation.

*Resolved*, That duly authenticated copies of this memorial and resolutions be transmitted to the President of the Senate and Speaker of the House of Representatives, with request that they lay them before their respective Houses, and to each of our Senators and Representatives in Congress.

Approved April 18, 1873.

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[ No. 15. ]

JOINT RESOLUTION relative to the appointment of an agent for the collection of the amount due from the United States to the State of Michigan, on account of lands in this State disposed of by Indian reservation, military warrants, and land scrip, issued for military services in the wars of the United States.

*Be it Resolved by the Senate and House of Representatives of the State of Michigan*, That the Governor be and he is

hereby authorized and empowered to appoint an agent in behalf of this State, to prosecute to final decision before Congress or in the courts, the claims of this State for the five per cent due to the same from the United States, upon the lands within this State disposed of by Indian reservations, and by the location of military warrants and land scrip issued for military services in the wars of the United States; and that such an agent shall be well informed in the law, and shall be allowed such a compensation as shall be agreed upon between the Governor and himself, and to be paid only after such a claim in whole or in part is collected, and not to be paid out of any other funds: *And provided*, That the State shall not be otherwise liable for any expenses whatever attending the prosecution of such claim.

Approved April 22, 1873.

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[ No. 16. ]

JOINT RESOLUTION to appropriate a sum of money and provide for the laying of the corner-stone of the new State Capitol.

*Resolved, by the Senate and House of Representatives of the State of Michigan*, That the Governor be and he is hereby authorized to appoint ten suitable persons, citizens of this State, who, in connection with the members of the Board of State Building Commissioners, shall constitute a committee of arrangements, whose duty shall be to provide for the appropriate arrangements for a public celebration upon the occasion of laying the corner-stone of the new Capitol building.

The said committee may issue invitations to the various military organizations, orders, societies, and associations within this State, members of past and present legislatures, past and present State officers, judges, members of State boards, officers of institutions, United States Senators and Representatives in Congress from this State, and to such other organizations and

twelve west, upon the said patent being surrendered for that purpose, and that the Auditor General draw his warrant upon the State Treasurer for the amount paid by said Turner and Smith, together with the interest and the sum of one hundred dollars, or so much thereof as may be necessary to defray the expenses incurred by them under said patent, said amount to be certified to the Auditor General by the Commissioner of the State Land Office, and thereupon a certificate of cancelment shall be issued by the Secretary of State to the said George Krouse, which may be recorded in the register's office of the county of Allegan. And the Governor of this State is hereby authorized to cause the east half of the southeast quarter of section five aforesaid, to be re-conveyed to the United States, in order that a patent may be issued to said George Krouse, without cost or expense to him, in accordance with certificate of purchase and location thereof.

This shall take immediate effect.

Approved April 29, 1873.

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[ No. 23. ]

**JOINT RESOLUTION** authorizing the Board of State Auditors to settle with the several State Reporters, and to collect the amounts due from them to the State.

WHEREAS, It appears by the report of the Auditor General that considerable amounts are due from several of the State reporters for volumes of the reports heretofore published; therefore,

*Resolved*, That the Board of State Auditors is hereby authorized to settle with such reporters, and to adopt or institute such proceedings as they may deem necessary and advisable to collect the amount unaccounted for or due to the State, on account of the sale of the report [reports,] and that the said Board is hereby authorized to accept in payment or part pay-

ment of such claims, any unsold volumes of such reports, on such terms as the members of said Board may deem equitable and fair.

Approved April 29, 1873.

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[ No. 24. ]

**JOINT RESOLUTION** to authorize the Commissioner of the State Land Office, or the proper officer, to convey the southwest quarter of the northwest quarter of section number sixteen, in township number eight south, of range number five east, to George W. Blivin, assignee of primary school land certificate number five thousand nine hundred and sixty-one.

**WHEREAS**, On the twenty-fourth day of March, in the year of our Lord eighteen hundred and fifty-five, primary school land certificate number five thousand nine hundred and sixty-one, was issued by Allen Goodridge, the Deputy Commissioner of the State Land Office of the State of Michigan, for the sale of the southwest quarter of the northwest quarter of section number sixteen, in township number eight south, of range number five east, to John E. Benton;

**AND WHEREAS**, On the eighth day of October, in the year of our Lord eighteen hundred and fifty-five, the said John E. Benton, duly assigned in writing said certificate to Henry Plum;

**AND WHEREAS**, on the twenty-third day of February, in the year of our Lord eighteen hundred and fifty-six, the said Henry Plum duly assigned in writing said certificate to Elkana Dillon;

**AND WHEREAS**, On the twenty-third day of February, in the year of our Lord eighteen hundred and fifty-six, the said Elkana Dillon duly assigned in writing said certificate to John B. Clement conditionally;

**AND WHEREAS**, It appears that the conditions upon which the said assignment by the said Elkana Dillon to the said John

which has not been repaid, and which should be refunded to him; and that he performed work and labor in and about such compilation not covered by or included in the act authorizing such compilation; therefore, be it

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the Board of State Auditors be and they are hereby authorized to take proofs and examine in regard to said matters and determine as to the same; and determine as to what amount, if any, is due said James S. Dewey for extra work on said compilation; and what amount, if any, is due said James S. Dewey for materials advanced and money laid out and expended, in and about said compilation not contemplated by the act under which he was appointed as such compiler; and said Board is hereby authorized and empowered to settle and adjust such claims and allow said James S. Dewey such sum therefor as they shall determine justly due him therefor.

*Resolved,* That this joint resolution take immediate effect.

Approved April 24, 1873.

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[ No. 18. ]

JOINT RESOLUTION providing for the preparation of an index to the Senate and House bills now on file in the State Library.

WHEREAS, There are now in the State Library, files of the Senate and House bills from eighteen hundred and sixty-one to eighteen hundred and seventy-one inclusive;

AND WHEREAS, It is often very necessary that the members of the Legislature and others, should be able to consult said bills;

AND WHEREAS, Such consultation would be greatly facilitated by the use of a properly prepared index to said bills; therefore

*Resolved, by the Senate and House of Representatives of the*



*State of Michigan*, That the State Librarian be and she is hereby authorized and instructed to prepare or cause to be prepared a suitable index to such bills, so as to make them easy of reference by the use thereof, the same to be kept in the State Library for use in consulting said bills; and be it further

*Resolved*, That the board of State Auditors be and they are hereby authorized and instructed to allow to the State Librarian such a sum as they shall think proper for the preparation of said index.

Approved April 24, 1873.

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[ No. 19. ]

JOINT RESOLUTION to provide for a commission for the revision of the Constitution of the State of Michigan.

WHEREAS, The existing constitution of the State of Michigan is defective in many respects, and needs to be amended to conform to the growth and development of the State, and the advanced ideas of the people, as well as in many other respects; therefore,

*Resolved by the Senate and House of Representatives of the State of Michigan*, That the Governor be and he is hereby authorized and empowered to nominate and appoint eighteen able and discreet citizens, who shall be authorized to examine into and report to the next session, either special or general, of the Legislature of this State such amendments and revision of the constitution as in their judgment may be necessary for the best interests of the State and the people. Said commission shall assemble in the supreme court rooms, or some other suitable place, in the city of Lansing, at such time as the Governor shall direct, and may remain in session such time as may be necessary to perfect their labors, not exceeding one hundred days in all, and shall be entitled to receive therefor the sum of five dollars per diem for each day actually employed. They shall take the constitutional oath of office to be admin-

istered by one of the Judges of the Supreme Court or the Secretary of State; and may elect one of their number chairman. They may appoint a clerk at a compensation not exceeding three dollars per day, and such messengers and assistants as they deem necessary, at a compensation not exceeding two dollars per day, and the State shall pay all expenses of such commission, as near as may be, in the same manner as the expenses of the Legislature are paid. No more than two of such commissioners shall reside in any one congressional district as now organized, and in case of death or resignation of any commissioner, the Governor shall appoint another to fill the vacancy. Such commissioners shall have all the immunities and powers granted to members of the Legislature or the House of Representatives for the purposes necessary to discharge the duty imposed upon them. No proposition or amendment shall be adopted by them or reported by them that is not indorsed and recommended by two-thirds of the whole number of persons upon such commission. They shall cause their work to be laid before the Governor on or before the first day of December, eighteen hundred and seventy-three, and the Governor shall cause the same to be printed for the use of the Legislature, on or before the first day of January, eighteen hundred and seventy-four. The Legislature at its next general or special session may cause such revision, or so much thereof as they may approve, to be submitted to the people for ratification.

Approved April 24, 1873.

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[ No. 20. ]

**JOINT RESOLUTION** authorizing the State Board of Control to authorize the issue of State swamp land credits to Henry W. Burley, for labor by him performed on the Osceola and Bridgeton State road.

**WHEREAS**, Frank Bennett, of Big Rapids, in Mecosta county, on the third day of July, in the year of our Lord one

thousand eight hundred and sixty-six, entered into a contract with the State of Michigan to construct a State road from the corner of sections ten, eleven, fourteen, and fifteen, in town fifteen north, of range ten west, in the county of Mecosta, to Blodgett's mill, in the county of Osceola, at the rate of four hundred and seventy-five acres of State swamp land per mile for each mile of said road lying south of the county line between Osceola and Mecosta counties, and at the rate of five hundred acres of State swamp land per mile for that portion of said road lying north of said county line;

AND WHEREAS, The said Frank Bennett afterwards contracted with Henry W. Burley, of Osceola county, to construct two and a half miles of said road;

AND WHEREAS, The said Henry W. Burley constructed said road in accordance with the provisions of said contract of the said Frank Bennett with the State of Michigan, and to the satisfaction of Charles Carmichael, local commissioner of the Osceola and Bridgeton State road;

AND WHEREAS, The said Frank Bennett's contract with the State of Michigan for the construction of said State road has been declared forfeited by the Board of Control of State swamp land roads;

AND WHEREAS, The said Frank Bennett performed no part of the labor upon said contract with the State, and caused none of it to be performed except the labor performed by Henry W. Burley;

AND WHEREAS, The said Frank Bennett has paid the said Henry W. Burley nothing for his (Burley's) labor in the construction of said two and a half miles of State road as aforesaid; therefore, be it

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the Board of Control of State swamp land roads of the State of Michigan is hereby authorized to adjust the claims of Henry W. Burley for money paid, goods and materials furnished, and labor done for the benefit of the

State in the construction of said State road, and that the said Board of Control of State swamp land roads authorize the Commissioner of the State Land Office to issue to the said Henry W. Burley State swamp land credits to the amount of the value of the labor done, money paid, and goods and materials furnished in the construction of said State road by the said Henry W. Burley, as shown by the evidence now on file in the office of the Commissioner of the State road office, and such evidence as shall be submitted to said Board of Control of State swamp land roads: *Provided*, That the amount awarded to the said Henry W. Burley shall not exceed the price per mile as agreed upon in said contract between the State of Michigan and said Frank Bennett.

This resolution shall take immediate effect.

Approved April 25, 1873.

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[ No 21. ]

JOINT RESOLUTION relative to the distribution of the laws, journals, documents, and joint documents of the session of the Legislature for the year eighteen hundred and seventy-three.

*Resolved by the Senate and House of Representatives of the State of Michigan*, That the Secretary of State be and he is hereby authorized and directed to forward one copy each of the laws, general and local journals of the two Houses, and documents and joint documents and the report of the State Geologist to each of the members and officers of both Houses, and to the editor of each newspaper in the State, directing the same to the county clerks of the several counties in which the members and officers reside, as soon as they are ready for delivery.

*Resolved*, That this resolution shall take immediate effect.

Approved April 25, 1873.

[ No. 22. ]

## JOINT RESOLUTION for the relief of George Krouse.

WHEREAS, George Krouse did, in the month of June, eighteen hundred and fifty-two, locate with a military land warrant, the southeast quarter of section five in town four north, of range twelve west, and obtained from the United States government a certificate of location which entitled him to a patent therefor;

AND WHEREAS, The said United States government did afterwards, viz.: in eighteen hundred and sixty-six certify to the State of Michigan that said southeast quarter of section five, in town four north, of range twelve west, was not located and was still the property of the United States;

AND WHEREAS, The said United States did afterwards, viz: in eighteen hundred and sixty-six convey by patent to the State of Michigan the said southeast quarter of section five, in town four north, of range twelve west, seventeen years after the said United States had received pay for and issued a certificate of location to said George Krouse;

AND WHEREAS, The State of Michigan did thereafter, viz: in the year eighteen hundred and sixty— sell the said southeast quarter of section five, in town four north, of range twelve west, to Messrs. Turner and Smith, without due and proper notice to the said George Krouse, the lawful owner and occupant thereof;

AND WHEREAS, The said Turner and Smith have commenced a suit to eject the said George Krouse from said land; therefore, be it

*Resolved by the Senate and House of Representatives of the State of Michigan, That the Commissioner of the State Land Office be and hereby is authorized to set aside the sale, and the Secretary of State to cancel the patent issued to James M. Turner and Dwight S. Smith, bearing date May twenty-fourth, eighteen hundred and seventy-two, for the east half of the southeast quarter, section five, town four north, range*

twelve west, upon the said patent being surrendered for that purpose, and that the Auditor General draw his warrant upon the State Treasurer for the amount paid by said Turner and Smith, together with the interest and the sum of one hundred dollars, or so much thereof as may be necessary to defray the expenses incurred by them under said patent, said amount to be certified to the Auditor General by the Commissioner of the State Land Office, and thereupon a certificate of cancelment shall be issued by the Secretary of State to the said George Krouse, which may be recorded in the register's office of the county of Allegan. And the Governor of this State is hereby authorized to cause the east half of the southeast quarter of section five aforesaid, to be re-conveyed to the United States, in order that a patent may be issued to said George Krouse, without cost or expense to him, in accordance with certificate of purchase and location thereof.

This shall take immediate effect.

Approved April 29, 1873.

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[ No. 23. ]

**JOINT RESOLUTION** authorizing the Board of State Auditors to settle with the several State Reporters, and to collect the amounts due from them to the State.

**WHEREAS**, It appears by the report of the Auditor General that considerable amounts are due from several of the State reporters for volumes of the reports heretofore published; therefore,

*Resolved*, That the Board of State Auditors is hereby authorized to settle with such reporters, and to adopt or institute such proceedings as they may deem necessary and advisable to collect the amount unaccounted for or due to the State, on account of the sale of the report [reports,] and that the said Board is hereby authorized to accept in payment or part pay-

ment of such claims, any unsold volumes of such reports, on such terms as the members of said Board may deem equitable and fair.

Approved April 29, 1873.

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[ No. 24. ]

**JOINT RESOLUTION** to authorize the Commissioner of the State Land Office, or the proper officer, to convey the southwest quarter of the northwest quarter of section number sixteen, in township number eight south, of range number five east, to George W. Blivin, assignee of primary school land certificate number five thousand nine hundred and sixty-one.

**WHEREAS**, On the twenty-fourth day of March, in the year of our Lord eighteen hundred and fifty-five, primary school land certificate number five thousand nine hundred and sixty-one, was issued by Allen Goodridge, the Deputy Commissioner of the State Land Office of the State of Michigan, for the sale of the southwest quarter of the northwest quarter of section number sixteen, in township number eight south, of range number five east, to John E. Benton;

**AND WHEREAS**, On the eighth day of October, in the year of our Lord eighteen hundred and fifty-five, the said John E. Benton, duly assigned in writing said certificate to Henry Plum;

**AND WHEREAS**, on the twenty-third day of February, in the year of our Lord eighteen hundred and fifty-six, the said Henry Plum duly assigned in writing said certificate to Elkana Dillon;

**AND WHEREAS**, On the twenty-third day of February, in the year of our Lord eighteen hundred and fifty-six, the said Elkana Dillon duly assigned in writing said certificate to John B. Clement conditionally;

**AND WHEREAS**, It appears that the conditions upon which the said assignment by the said Elkana Dillon to the said John

B. Clement, and upon the performance of which the said last mentioned assignment was to become invalid and of no effect, have never been performed, and said assignment never invalidated, although the time for such performance has long since elapsed;

AND WHEREAS, On the eighth day of September, in the year of our Lord eighteen hundred and fifty-seven, the said John B. Clement duly assigned in writing said certificate to John M. Gillam;

AND WHEREAS, On the twenty-eighth day of April, in the year of our Lord eighteen hundred and fifty-eight, the said John M. Gillam duly assigned in writing said certificate to Lester B. Cowell;

AND WHEREAS, On the third day of July, in the year of our Lord eighteen hundred and sixty-nine, the said Lester B. Cowell duly assigned in writing said certificate to Adam Dreher;

AND WHEREAS, On the eleventh day of August, in the year of our Lord eighteen hundred and seventy-one, the said Adam Dreher duly assigned in writing said certificate to George W. Blivin; therefore, be it

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the Commissioner of the State Land Office, or the proper officer, is hereby authorized, upon proper proof of the above facts, to execute to said George W. Blivin for and in behalf of the State of Michigan, a full conveyance and release of all the right, title, and interest of the said State, in and to the said land above described, upon payment to the proper officer of said State by the said George W. Blivin, of the amount due or unpaid to said State upon said certificate.

This resolution shall take immediate effect.

Approved April 29, 1873.



## [ No. 25. ]

**JOINT RESOLUTION** for the appointment of commissioners to prepare a code of procedure, or simplify and abridge the practice, pleadings, and proceedings of the courts of this State.

**WHEREAS**, It is expedient that the present forms of actions and pleadings, in cases at common law, should be abolished, and that the distinction between legal and equitable remedies should no longer continue, and that a uniform course of proceeding in all cases should be established; therefore,

*Resolved by the Senate and House of Representatives of the State of Michigan*, That the Governor be and he is hereby authorized and required to appoint two suitable and proper persons, learned in the law, to act as commissioners, for the purpose of preparing a code of practice and procedure similar to that adopted by the State of New York or Ohio. Said commissioners to make report of their doings to the Governor in time for him to submit the same to the next Legislature of this State for action thereon, and to be entitled each to the sum of two thousand dollars for their services as such commissioners.

Approved April 29, 1873.

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## [ No. 26. ]

**JOINT RESOLUTION** instructing the Commissioner of the State Land Office to make a settlement with and grant a certificate to Moses Kingsley.

**WHEREAS**, Hon. John D. Pierce, late Superintendent of Public Instruction for the State of Michigan, did issue on the twelfth day of July, eighteen hundred and thirty-seven, certificate number one hundred and forty-five, under an act entitled "An act to provide for the disposition of the university and primary school lands and for others," approved March twenty-one, eighteen hundred and thirty-seven, to Moses Kingsley

and Henry Montague, jointly, for the purchase of the southwest quarter of the northwest quarter of section seven, in township number two south, of range number eleven west, containing thirty-seven acres and thirty-two hundredths, according to authorized survey;

AND WHEREAS, On the twelfth and thirteenth days of January, eighteen hundred and thirty-nine, the aforesaid parties, in view of a division of the above land equally between said parties, and in view of a road two rods wide upon the south side of said land, did fix the boundary line one rod north running east and west of the center line of said land, and did quit claim the same respectively to the above parties;

AND WHEREAS, Upon payment of all indebtedness by said Moses Kingsley upon the undivided half of the southwest quarter of the northwest quarter of section number seven, township number two south, of range number eleven west; therefore, be it

*Resolved by the Senate and House of Representatives, That* the Commissioner of the State Land Office of the State of Michigan is hereby authorized to divide said certificate number one hundred and forty-five, and issue to said Moses Kingsley a certificate of so much of the same as his interest be made to appear. And upon the full payment of the amount so due, with the interest, costs, and expenses thereon, that a patent may be issued for such portion of such fractional one-fourth to said purchaser.

Approved April 30, 1873.

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[ No. 27. ]

JOINT RESOLUTION for the relief of St. Clair county, and to authorize the Board of State Auditors to settle with the bail of Henry Johr, late treasurer of St. Clair county.

*Resolved by the Senate and House of Representatives of the State of Michigan, That* the claims of the State of Michigan

against Henry Johr, late treasurer of St. Clair county, and all claims against the sureties upon the bond of said Henry Johr, as such treasurer, be and they are hereby referred and submitted to the Board of State Auditors for adjustment and final settlement. The said board are hereby authorized and empowered to examine into, adjust, and determine the liability of such sureties, and to settle and compound with them for the same, for such amount, and on such terms as the said board, taking into consideration the circumstances of the case, and the condition and responsibility of such sureties respectively, shall deem best; which adjustment and liability of said Johr and sureties, as so determined by said Board of State Auditors, shall be submitted to the board of supervisors of St. Clair county for review and approval, or disapproval. If said board of supervisors approve of said adjustment by the Board of State Auditors, then, upon the full performance by such Johr or his sureties, or either of them, of the terms and conditions of the award and determination of the Board of State Auditors, as approved by said board of supervisors, so made against them as aforesaid, they shall be severally discharged from all liability upon such bond: *Provided*, That before such adjustment shall go into effect or said sureties be discharged, the county of St. Clair shall give to the State security satisfactory to said Board to pay any and all claims which said county would be liable to pay to the State had this resolution not been passed or such adjustment made, and which shall remain unpaid by said sureties.

*Resolved*, The Board of State Auditors are further authorized and empowered to examine into and adjust and determine the liability of St. Clair county for any part of such claims, if there be any remaining after such adjustment with the said Johr and his sureties, and to settle and compound with the board of supervisors of said county of St. Clair for the same, for such amount and on such terms as the said Board of Auditors shall deem best; and when the terms and conditions of such

adjustment shall be fully complied with, then the said county of St. Clair shall be released from all liability to the State for such claims; but if the terms of such adjustment are not fully complied with by said county, within the time and in the manner therein provided, then the said claim to remain in full force against St. Clair county, as though said adjustment had not been made.

*Resolved*, That if the adjustments, or either of them, as provided above, are not made, and the terms fully complied with on or before the close of the meeting of the board of supervisors of St. Clair county, in the month of October, eighteen hundred and seventy-three, then this joint resolution shall be of no further force or effect, and the status of the several parties herein referred to shall be the same as though this joint resolution had not passed.

*Resolved*, That this resolution shall take immediate effect.

Approved April 30, 1873.

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[ No. 28. ]

JOINT RESOLUTION to authorize the Governor to issue a patent for the southwest quarter of the northeast quarter of section twenty-one in township nine north, of range fourteen west, to Edward L. Weeks, assignee of salt-spring land certificate number one hundred and three.

WHEREAS, Edward L. Weeks of Muskegon County is the legal owner of all the rights conferred upon Robert C. Bush by salt-spring land certificate number one hundred and three for the southwest quarter of the northeast quarter of section twenty-one, township number nine north, of range fourteen west, in the county of Muskegon, heretofore issued to said Bush by the Commissioner of the State Land Office;

AND WHEREAS, The said Edward L. Weeks has paid to the State Treasurer the whole amount of principal and interest, taxes, and charges due and to become due on said certificate,

in the time and manner required by law, and is now the holder and owner of said certificate; therefore, be it

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the Governor is hereby authorized and directed, in behalf of the State of Michigan, to execute to said Edward L. Weeks, his heirs and assigns, a full conveyance and release of all the right, title, and interest of the said State, in and to the land above described.

Approved April 30, 1873.

# CONCURRENT RESOLUTIONS.

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[ No. 1. ]

## CONCURRENT RESOLUTION.

*Resolved* (the Senate concurring), That Mr. James W. King be and he is hereby appointed to compile and publish, without delay, under the supervision of the committees on printing in the two Houses, when the same are appointed, a manual, for the use of members and officers of both Houses in this and the next Legislature, and the State officers,—said manual to contain the Constitutions of the United States and of this State, with all amendments thereto; the rules and joint rules of the Senate and House of Representatives of this State; a diagram of the Senate Chamber and Representative Hall; names, ages, occupation, and residence of members of both Houses; a map showing the Senatorial and Congressional districts, the judicial circuits of the State, the various Senatorial and Representative districts of the State, with the population thereof; the votes for President in eighteen hundred and seventy-two and eighteen hundred and sixty-eight; the postoffices, newspapers, banking institutions, railroad routes, a history of the Constitutional conventions, and the latest statistics of the educational, charitable, reformatory, and penal institutions, the table of equalization for eighteen hundred and seventy-one, and such other statistical matter as is usually contained in the work; the same to be printed and bound in the usual style by the State printer, and the compiler of said manual to receive for his services such sum as shall be fair and adequate. But no compensation shall be paid unless the

CONCURRENT RESOLUTIONS.

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manual shall be ready for the printer within fifteen days from the passage of this resolution.

Approved January 11, 1873.

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[ No. 2. ]

CONCURRENT RESOLUTION.

*Resolved* (the Senate concurring), That the State Librarian be instructed to purchase six copies of Cushing's Parliamentary Law, and thirty-five copies of Cushing's Manual.

Approved January 11, 1873.

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[ No. 3. ]

CONCURRENT RESOLUTION.

*Resolved by the House of Representatives*, (the Senate concurring), That the State Printer be directed to transmit to the resident clergymen of the city of Lansing, one copy each of the daily journal of the Senate and House during the present session.

Approved January 11, 1873.

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[ No. 4. ]

CONCURRENT RESOLUTION.

*Resolved* (the House concurring), That Benjamin B. Baker of Ingham County be and is hereby appointed Postmaster, and that his compensation shall not exceed three dollars per day.

Approved January 13, 1873.

[ No. 5. ]

## CONCURRENT RESOLUTION.

*Resolved* (the House concurring), That the State printer be instructed to forward one copy of the daily journal to each daily and weekly newspaper published in this State; Judges of the Supreme Court, circuit judges, county clerks of the several counties, and judges of probate.

Approved January 13, 1873.

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[ No. 6. ]

## CONCURRENT RESOLUTION.

*Resolved* (the House concurring), That the Auditor General cause the Capitol Building, State Offices, State Library, and Supreme Court room to be lighted with gas, as soon as possible.

Approved January 13, 1873.

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[ No. 7. ]

## CONCURRENT RESOLUTION.

*Resolved* (the House of Representatives concurring), That the compiler and publisher of the Manual be instructed to add thereto a short biographical sketch of the Governor and other State officers and members of both Houses of the Legislature; the same to be printed in nonpareil or minion type, composition to be "solid;" provided it does not extend the time of preparing the Manual more than five days.

Approved January 16, 1873.



[ No. 8. ]

**CONCURRENT RESOLUTION** relating to the Vienna International Exposition.

**WHEREAS**, A circular has been issued by the American Geographical Society, stating that

"This Society has been requested by the proper authority to collect for exhibition at the Vienna International Exposition, to open May one, eighteen hundred and seventy-three, such maps, large photographs of scenery, geographical and geological reports, and statistical information as may best portray the geographical features, represent the true condition of commerce and trade, and illustrate the material progress, the prosperity, and unequalled advantages of our country;

"It is earnestly hoped, for the credit of the nation, that a liberal response will be made.

"The time is short. All contributions must be sent in by February one, eighteen hundred and seventy-three;"

**WHEREAS**, Richard Hawley, William A. Butler, and Duane Doty, of this State, have been appointed associates of "Additional Group number six," which embraces Geography and Statistics;

**AND WHEREAS**, It is to the interest of Michigan to make known abroad the vast resources and unprecedented advantages, natural, educational, and governmental, enjoyed by our citizens and residents; therefore,

*Resolved* (the House of Representatives concurring), That the Secretary of State be and he is hereby instructed to collect, as far as practicable, one copy each of the following State documents and sets thereof, and forward the same to Hon. Duane Doty, Secretary of the Michigan Commissioners, for the purpose of having the same forwarded to the American Geographical Society, as a part of the contribution of Michigan to the Vienna International Exposition, to wit:

The four annual reports of the Secretary of State on vital

statistics; reports of the Commissioner of Insurance; Auditor General's report on railroads; reports of the Board of Equalization; reports of the Auditor General; geological reports of Michigan; agricultural reports of Michigan; pomological reports of Michigan; educational reports of Michigan; reports of the State benevolent institutions; reports of special commissioners to examine penal, reformatory, and charitable institutions; Governor's messages; legislative manuals, and such other publications as may be appropriate to the objects of the Exposition; and that the State Librarian, State Printer, and other State officers be and are hereby instructed to aid the Secretary of State in making the above collection, by contributing such of the documents as may be in their possession, not required for other purposes.

Approved January 16, 1873.

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[ No. 9. ]

CONCURRENT RESOLUTION.

*Resolved* (the Senate concurring), That Auditor General Wm. Humphrey is hereby directed to take charge of all the chandeliers, lamps, and other lighting apparatus rendered useless by the introduction of gas, and to sell the same to the best advantage possible, and place the proceeds of such sale in the hands of the State Treasurer to the credit of the general fund.

Approved January 23, 1873.

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[ No. 10. ]

CONCURRENT RESOLUTION relative to securing the passage of an act setting apart a portion of the Island of Mackinac, in the Straits of Mackinac, within the State of Michigan, as a national park.

WHEREAS, Hon. Thomas W. Ferry, United States Senator for Michigan, has recently introduced to the United States

Senate a bill to set apart a portion of the Island of Mackinac, in the State of Michigan, as a national park;

WHEREAS, Said bill if enacted, will cause to be set apart for a national park, so much of the island as is now held by the United States, under military reservation or otherwise, excepting Fort Mackinac and so much of the present reservation as bounds it to the south of the village, and west, north, and east respectively, by lines drawn north and south, east and west, at a distance of four hundred yards from the present fort flagstaff;

AND WHEREAS, The territory which this bill proposes to set off is withdrawn from settlement, and by the enactment of said bill will be improved and preserved as a park, under direction of the Secretary of War, thereby adding greatly to the attractive character of the island as a national summer resort; therefore,

*Resolved*, (the House of Representatives concurring), That the Senators and Representatives of Michigan, now in Congress at Washington, be and are hereby requested to use their best endeavors to secure the passage, during the present session, of the bill entitled "A bill to set apart a certain portion of the Island of Mackinac, in the Straits of Mackinac, within the State of Michigan, as a national park;"

*Resolved* That the Governor be and he is hereby requested to cause a copy of the foregoing preamble and resolution to be forwarded to each of the Senators and Representatives of Michigan now in Congress at Washington.

Approved January 25, 1873.

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[ No. 11. ]

CONCURRENT RESOLUTION.

*Resolved* (the Senate concurring), That the State Librarian be instructed to purchase for the use of the Senate and House

of Representatives, six copies of Barclay's Digest for eighteen hundred and seventy-two.

Approved February 7, 1873.

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[ No. 12. ]

CONCURRENT RESOLUTION.

WHEREAS, A complete compilation of the general railroad legislation of the State of Michigan, containing the general railroad law of eighteen hundred and fifty-five, with amendments, supplemental acts, and all the enabling acts, together with the acts of Congress and of the Legislature of this State granting lands to railroad companies, has been duly arranged and published;

AND WHEREAS, Not a single copy of this valuable book is owned by the State of Michigan; therefore, to the end that said work may be provided for the use of the members of the Legislature and State officers, be it

*Resolved by the House of Representatives* (the Senate concurring), That the State Librarian be authorized and instructed to furnish forthwith, one dozen copies of said compilation and place the same in the State Library.

Approved March 7, 1873.

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[ No. 13. ]

CONCURRENT RESOLUTION.

*Resolved* (the Senate concurring), That the resident clergymen of the city of Lansing officiating in the Legislature, be furnished with a copy of the Manual of eighteen hundred and seventy-one, and also of eighteen hundred and seventy-three, when published.

Approved April 1, 1873.

[ No. 14. ]

## CONCURRENT RESOLUTION.

*Resolved by the House of Representatives* (the Senate concurring), That the amount of postage stamps furnished by the postmaster of Lansing to the State Printer, for the prepayment of postage on the daily journals, in accordance with a concurrent resolution passed early in the session, be paid by the State Treasurer, on the warrant of the Auditor General, on the presentation of the bill duly certified by S. D. Bingham, Postmaster, and by George F. Strong, foreman of the State Bindery, that said stamps have been furnished and used for that purpose.

Approved April 29, 1873.

[ No. 15. ]

## CONCURRENT RESOLUTION.

*Resolved* (the Senate concurring), That the Secretary of the Senate and the Clerk of the House of Representatives be and they are hereby authorized and requested to compile and prepare for publication, and make indexes and superintend the publication of the journals and documents of the present Legislature, and when completed and certified to by the Secretary of State, they shall each be entitled to and receive for such services the sum of five hundred dollars; and that the compiler of the Legislative Manual shall receive for his services as such compiler, the sum of two hundred and fifty dollars.

Approved April 29, 1873.

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NOTE -The words and sentences enclosed in brackets in the foregoing laws and resolutions were in the engrossed copies, and passed by the Legislature, but not in the enrolled copies.



## CERTIFICATE.

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STATE DEPARTMENT,  
*Secretary's* }

I, DANIEL STRIKER, Secy of  
Michigan, do hereby certify that  
of the regular session of the L  
present year, was May first o  
seventy-three.

IN TESTIMONY WHEREOF, I have hereunto set my hand  
and affixed the great seal of the State of Michigan, at  
[L. S.] Lansing, this twenty-eighth day of May, in the year  
of our Lord one thousand eight hundred and seventy-  
three.

DANIEL STRIKER,  
*Secretary of State.*





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**APPENDIX:**  
CONTAINING  
**CERTIFIED STATEMENTS OF BOARDS OF**  
RELATIVE TO THE  
**ERECTION OF NEW TOWNSHIPS;**  
ALSO,  
**STATE TREASURER'S ANNUAL REPORT**  
For the Year 1872.

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APPENDIX:  
CONTAINING  
CERTIFIED STATEMENTS OF BOARDS OF SUPERVISORS  
RELATIVE TO THE  
ERECTION OF NEW TOWNSHIPS;  
ALSO,  
STATE TREASURER'S ANNUAL REPORT  
For the Year 1872.

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Long Rapids  
organized.

ship of Long Rapids. The first annual meeting thereof shall be held at the school-house known as the Jones school-house in the London settlements, on the seventh day of April, in the year of our Lord one thousand eight hundred and seventy-three, and at said meeting William H. Marston, James O. Carr, and John London, three electors of said township, shall be the persons whose duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls, and exercise the same powers as the inspectors of elections at any township meeting as the law provides, and that William E. Jones is appointed to post the notices of said election. Adopted by the following vote :

Ayes—Robinson, Breckinreed, McRae, Power, and Potter.

Nays—None.

STATE OF MICHIGAN, {  
Alpena County, } ss.

I, Chas. N. Cornell, clerk of the county aforesaid, and of the board of supervisors of said county, do hereby certify that the foregoing is a true and correct statement of the action of said board on the matters therein contained, and that the same has been compared by me with the original acts on file in my office, and that it is a true and correct transcript therefrom, and of the whole of said original act. And I further certify, that the foregoing order of said board was passed by them at a meeting held at the city of Alpena, in said county, on the fifteenth day of March, A. D. 1873, as appears by their record.

In testimony whereof, I have hereunto set my hand,  
[ L. S. ] and affixed the seal of the circuit court for said county, this 18th day of March, A. D. 1873.

CHAS. N. CORNELL,  
County Clerk.

## APPENDIX.

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### ALPENA COUNTY.

In the matter of the application of William E. Jones and fifteen others, for the erection and organization of a new township.

It appearing to the board of supervisors that application has been made, and that notice thereof has been signed, posted, and published, as in the manner provided by law, and having duly considered the matter of such application, the board order and enact, that the territory described in such application, as follows, to wit: Commencing at the southwest corner of section number eighteen, in town number thirty-one north, of range one east; thence east on the section line through the center of town number thirty-one north, of ranges one, two, three, four, five, six, and seven east, to the southeast corner of section number thirteen, in town thirty-one north, of range seven east; thence north to the northeast corner of section number one, in town thirty-two north, of range seven east; thence west to the northwest corner of section number six, in town thirty-two north, of range one east; thence south on meridian line to the place of beginning. Said boundary embracing the following described territory, to wit: The north half of town number thirty-one north, of ranges one, two, three, four, five, six, and seven east, and the whole of town number thirty-two north, of ranges one, two, three, four, five, six, and seven east, be and the same is hereby erected into a township to be called and known by the name of the town-

Long Rapids  
organized.

ship of Long Rapids. The first annual meeting thereof shall be held at the school-house known as the Jones school-house in the London settlements, on the seventh day of April, in the year of our Lord one thousand eight hundred and seventy-three, and at said meeting William H. Marston, James O. Carr, and John London, three electors of said township, shall be the persons whose duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls, and exercise the same powers as the inspectors of elections at any township meeting as the law provides, and that William E. Jones is appointed to post the notices of said election. Adopted by the following vote:

Ayes—Robinson, Breckinreed, McRae, Power, and Potter.

Nays—None.

STATE OF MICHIGAN, {  
Alpena County, } ss.

I, Chas. N. Cornell, clerk of the county aforesaid, and of the board of supervisors of said county, do hereby certify that the foregoing is a true and correct statement of the action of said board on the matters therein contained, and that the same has been compared by me with the original acts on file in my office, and that it is a true and correct transcript therefrom, and of the whole of said original act. And I further certify, that the foregoing order of said board was passed by them at a meeting held at the city of Alpena, in said county, on the fifteenth day of March, A. D. 1873, as appears by their record.

In testimony whereof, I have hereunto set my hand,  
[ L. S. ] and affixed the seal of the circuit court for said  
county, this 18th day of March, A. D. 1873.

CHAS. N. CORNELL,  
County Clerk.

In the matter of the application of Samuel Hamilton and fifteen others for the erection and organization of a new township.

It appearing to the board of supervisors that application has been made, and that notice thereof has been signed, posted, and published, as in the manner provided by law, and having duly considered the matter of such application. The board order and enact that the territory described in such application as follows, to wit: Commencing at the southeast corner of section thirty-six, town thirty north, of range seven east, running thence northerly on town line between ranges seven and eight east to the northeast corner of section one, town thirty north, of range seven east, thence easterly on town line to the southeast corner of section thirty-six, town thirty-one north, of range seven east, thence northerly on town line to the northeast corner of section twenty-four, town thirty-one north, of range seven east, thence westerly on section line to the meridian, thence southerly on meridian line to the southwest corner of section thirty-one, town thirty north, of range one east, thence easterly on town line to the place of beginning, be and the same is hereby erected into a township, to be called and known by the name of the township of Wilson. The first annual meeting thereof shall be held at the boarding-house on the Luce farm, on the seventh day of April, in the year of our Lord one thousand eight hundred and seventy-three; and at said meeting Noble M. Brackinreed, George Henon, and Charles B. Greely, three electors of said township, shall be the persons whose duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls, and exercise the same powers as the inspectors of election at any township meeting, as the law provides; and that Noble M. Brackinreed is appointed to post the notices of said election. Adopted by the following vote:

Ayes—Robinson, Brackinreed, McRae, Power, and Potter.

Nays—None.

Wilson  
organized.

STATE OF MICHIGAN, }  
*Alpena County,* } ss.

I, Charles N. Cornell, clerk of the county aforesaid, and of the board of supervisors of said county, do hereby certify that the foregoing is a true and correct statement of the action of said board on the matters therein contained, and that the same has been compared by me with the original act, on file in my office, and that it is a true and correct transcript therefrom and of the whole of said original act. And I further certify that the foregoing order of said board was passed by them at a meeting held at the city of Alpena in said county, on the fifteenth day of March, A. D. 1873, as appears by their record.

In testimony whereof I have hereunto set my hand  
 [ L. S. ] and affixed the seal of the circuit court for said  
 county, this 18th day of March, A. D. 1873.

CHAS. N. CORNELL,  
*County Clerk.*

### CHARLEVOIX COUNTY.

In the matter of the application of William Nelson, J. A. Sudman, Jr., E. W. Anson, Robert Coan, Eugene Kyes, E. R. Robinson, J. A. Sudman, Sen., George Rolls, James Scipio, George W. Garret, Hershal McGee, and William A. Nelson, for the erection and organization of a new township.

It appearing to the board of supervisors that application has been made, and that notice thereof has been signed, posted up and published as in the manner required by law, and having duly considered the matter of said application, the board order and enact that the territory described in said application bounded as follows, to wit: Township thirty-two (32) north, of ranges four (4) and five (5) west, be and the same hereby is erected into a township to be called and known by the name of the township of Boyne Valley. The first annual township meeting thereof shall be held at the house of Wil-

“Boyne Valley” organized.



liam Nelson, on the first Monday in April next, and at said meeting William Nelson, A. J. Hall, and W. W. Gager shall be the persons whose duty it shall be to preside at such meeting and act as inspectors of the said election.

STATE OF MICHIGAN, } ss.  
*County of Charlevoix,* }

I, John S. Dixon, clerk of the county aforesaid, and of the board of supervisors thereof, do hereby certify that I have carefully compared the foregoing copy of an order of said board with the record thereof in my office, as clerk of said board, and the copy thereto attached of the map or survey of the new township of Boyne Valley, in my office, furnished to said board on the application for the erection and organization of said township; and that said copies are true copies; and I further certify that the foregoing order of said board was passed by them at their meeting held at Charlevoix, in said county, on the first day of January, A. D. 1873, as appears by their record.

In testimony whereof, I have set my hand and  
 [ L. S. ]      affixed the seal of the circuit court of said county,  
 this seventh day of January, A. D. 1873.

JOHN S. DIXON, *Clerk.*

In the matter of the application of David S. Pierce, and others, for the erection and organization of a new township.

It appearing to the board of supervisors that application has been made, and that notice thereof has been signed, posted up, and published, in the manner required by law, and having duly considered the matter of said application, the board order and enact that the territory described in said application, bounded as follows, to wit: All of township thirty-two (32) north, of range six (6) west, be and the same is hereby erected into a township to be called and known by the name of the

“Wilson”  
organized.

township of Wilson. The first annual township meeting thereof shall be held at the house of Peter K. Winters, on the first Monday in April, 1873; and at said meeting Peter K. Winters, David S. Pierce, and Robert E. Thompson, three electors of said township, shall be the persons whose duty it shall be to preside at such meeting, and act as inspectors of the said election.

STATE OF MICHIGAN, }  
County of Charlevoix, } ss.

I, John S. Dixon, clerk of the county aforesaid, and of the board of supervisors thereof, do hereby certify, that I have carefully compared the foregoing copy of an order of said board with the record thereof in my office, as clerk of said board, and that said copy is a true copy; and I further certify that the foregoing order of said board was passed by them at their meeting held at Charlevoix, in said county, on the first day of January, A. D. 1873, as appears by their record.

In testimony whereof, I have hereunto set my hand  
[L. S.] and affixed the seal of the circuit court of said  
county, this seventh day of January, A. D. 1873.

JOHN S. DIXON, *Clerk.*

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## CHEBOYGAN COUNTY.

COUNTY CLERK'S OFFICE, }  
Cheboygan County. }

At a special meeting of the board of supervisors of the county of Cheboygan, held at the court house in Inverness, in said county, on the 22d day of February, A. D. 1860.

Present, Joseph B. Young of Duncan, chairman, and Wm Flynn of Inverness, being all the supervisors of said county; which said special meeting was called, among other things, for the purpose of taking into consideration the prayer of a certain petition, signed by more than twelve freeholders of that

part of Cheboygan, as represented in said petition, requesting that so much of said county of Cheboygan as follows, embracing towns 33, 34, 35, 36 north, ranges one east, one west, two and three west, bounded north by Inverness and Duncan, east by Presque Isle, south by Otsego and Montmorency, west by the county of Emmet, may be organized into a township.

AND WHEREAS, It appeared by affidavit that the proper notices had been duly posted up pursuant to the provisions of the statutes in such case made and provided; therefore, on motion duly made and seconded, it was unanimously

*Resolved*, That the prayer of said petition be granted, and that so much of the said county of Cheboygan as now remains and as specified in said petition be and the same is hereby organized into a township, by the name of the township of Burt; and that the first township meeting be held at the house of Joseph Ossegon; and that L. P. Riggs, E. A. Dodge, and Joseph Ossegon be appointed inspectors of the election held on the first Monday of April, 1860. Burt  
organized.

JOSEPH B. YOUNG, *Chairman*.

D. L. STRANG, *Clerk*.

STATE OF MICHIGAN, }  
County of Cheboygan, } ss.

We hereby certify that the board of supervisors now in session have this day organized the township of Burt, as expressed in the foregoing resolution as required by section fourteen (14) of an act entitled "An act to define the powers and duties of the Board of Supervisors of the several counties, and to confer upon them certain local administration and legislative powers."

Dated at Inverness this 22d day of February, A. D. 1860.

JOSEPH B. YOUNG, *Chairman*.

D. L. STRANG, *Clerk*.

STATE OF MICHIGAN, }  
County of Cheboygan, } ss.

I, Medard Metivier, clerk of said county of Cheboygan, do hereby certify that I have carefully compared the foregoing copy of the proceedings of the board of supervisors with the original now remaining of record in this office, and that the same are correct transcripts therefrom, and of the whole of said original.

In testimony whereof I have hereunto set my hand  
[ L. S. ] and affixed the seal of said county this 4th day  
of April, A. D. 1873.

MEDARD METIVIER,  
County Clerk.

IOSCO COUNTY.

In the matter of the application of David J. Evans, Wm. G. Strong, and others, freeholders of the township of Tawas, praying for the organization of a new township.

*Resolved*, That whereas it appears to the board of supervisors, that application has been made, and that notice thereof in writing has been signed, posted up and published as in the manner required by law, and a map having been furnished of all the townships affected by the division, and having duly considered the matter of said application, this board do,

*Order and Enact*, That the territory described in said application, that is to say township number twenty-two north, of range nine east, and all of township number twenty-two north, of range eight east, except section thirty (30), be and is hereby detached from the township of Tawas, in said county of Iosco, and be and the same is hereby erected into a new township to be called and known by the name of the township of Baldwin. The first annual meeting therein shall be held at the hall over the East Tawas Mill Company's Store in East Tawas on the first Monday, being the fifth day of April, A. D. 1869, at nine

Baldwin  
organized.

o'clock in the forenoon of that day, and Willard W. Hubbell, David J. Evans, and Charles H. Oakes, shall be the persons whose duty it shall be to preside at such meeting, appoint a clerk, open the polls, and exercise the same powers as the inspectors of election at any township election, as the law provides.

STATE OF MICHIGAN, }  
*Iosco County,* } ss.

I, James O. Whittemore, clerk of the county aforesaid, and clerk of the board of supervisors thereof, do hereby certify that I have carefully compared the foregoing copy with the original action of said board recorded in my office, and the said copy is a true transcript from the original record of the resolution adopted by said board, at their meeting held at Tawas city, in said county on the sixth day of March, A. D. 1869, and of the whole of such original resolution.

In testimony whereof I have hereunto set my hand  
 [ L. S. ] and affixed the seal of the circuit court of said  
 county, this third day of April, A. D. 1873.

JAMES O. WHITTEMORE,  
*County Clerk.*

—

In the matter of the application of T. F. Thompson and others for the erection and organization of a new township.

An affidavit of T. F. Thompson was filed, showing due posting of notices on the first and sixth days of September, A. D. 1870, of the presentation of the foregoing application to the board, and an affidavit of C. S. Hilbourn showing publication of said notices four weeks, and a map showing the territory affected was filed.

The following resolution was then adopted :

*Resolved,* That this board do order and enact that the territory described in the application of T. F. Thompson and

twelve others, freeholders, to wit: Township number twenty-four (24) north, of range one (1) east; township twenty-four (24) north, of range two (2) east; township twenty-four (24) north, of range three (3) east; township twenty-four (24) north, of range four (4) east; township twenty-four (24) north, of range five (5) east, be and is hereby detached from the township of Oscoda in said county of Iosco, and be and the same is hereby erected into a new township, to be called and known by the name of the township of Thompson.

Thompson  
organized.

It was then resolved that the first annual meeting in the said new township of Thompson shall be held at the house of Thomas F. Thompson, in said township, on the first Monday of April, A. D. 1871, at nine o'clock in the forenoon of that day, and that Thomas F. Thompson, Alfred Goodell, and Samuel Andrews shall be the persons whose duty it shall be to preside at such meeting, appoint a clerk, open the polls, and exercise the same powers as the inspectors of election at any township election as the law provides.

STATE OF MICHIGAN, }  
County of Iosco, } ss.

I, James O. Whittemore, clerk of said county of Iosco, and of the board of supervisors thereof, do hereby certify that I have carefully compared the foregoing copies of two resolutions with the original record thereof, and that the same is a true transcript of the original record of said resolutions and of the whole of said resolutions. I further certify that said resolutions were adopted by the board of supervisors of Iosco county, at the annual meeting of said board, held at Tawas City on the tenth day of October, A. D. 1870.

In testimony whereof, I have hereunto set my hand and affixed the seal of the circuit court of said county at [ L. s. ] Tawas City, this third day of April, A. D. 1873.

JAMES O. WHITTEMORE,  
County Clerk.

## ISABELLA COUNTY.

Supervisor Bogan offered the following resolution, which was carried:

*Resolved by the Board of Supervisors of Isabella County, Michigan,* That in the matter of the application of William Hines and others for the erection and organization of a new township. That application has been signed, posted up, and published, as in the manner required by law; and having duly considered the matter of said application, the board orders and exacts that the territory described in said application, bounded as follows, to wit: Congressional township number sixteen north, range three west, and Congressional township fifteen north, of range three west, in Isabella County, Michigan, be and the same is hereby erected into a township, to be called and known by the name of Wise. The first annual township meeting thereof shall be held at the school-house in the village of Loomis in said township, on Monday, the first day of April, 1872, at 9 o'clock A. M.; and at said meeting George W. Wise, Benjamin Lloyd, and Cornelius V. Hulburt, three electors of said township, shall be the persons whose duties it shall be to preside at such meeting, appoint a clerk, open and keep the polls, and exercise the same powers as the inspectors of election at any township meeting, as the law requires. <sup>Who organized.</sup>

STATE OF MICHIGAN, {  
County of Isabella, } ss.

I do hereby certify that the foregoing is a true and compared copy of an order of the board of supervisors of said county organizing the township of Wise, dated January 4th, 1872, as appears of record in my office as clerk of said board.

In witness whereof I have hereunto set my hand  
[ L. S. ] and affixed the seal of the circuit court of said county this 25th day of January, A. D. 1873.

D. E. LYON, *Clerk.*

APPENDIX.

KALKASKA COUNTY.

COUNTY CLERK'S OFFICE, }  
Kalkaska County, Mich. }

In the matter of the application of A. A. Abbott and fourteen others for the erection and organization of a new township.

It appearing to the board of supervisors that application has been made, and that notice thereof has been signed, posted, and published as in manner provided by law, and having duly considered the matter of such application, the board order and enact that the territory described in such application, as follows, to wit: Township twenty-seven (27) north, of range seven (7) west, be and the same is hereby erected into a township to be called and known by the name of the township of Kalkaska.

Kalkaska  
organized.

The first annual meeting thereof shall be held at the house of Charles E. Whitney, on the seventh day of April, in the year of our Lord one thousand eight hundred and seventy-three; and at said meeting Albert A. Abbott, William C. McLarren, and C. W. Smith, three electors of said township, shall be the persons whose duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls, and exercise the same powers as the inspectors of election at any township meeting as the law provides; and that D. W. Shaw be appointed to post the notices of such meeting.

STATE OF MICHIGAN, }  
County of Kalkaska, } ss.

I, O. S. Curtis, clerk of the county aforesaid, hereby certify the foregoing to be a true copy of the original record in this office, as enacted by the board of supervisors, at a special meeting of said board January seventh, one thousand eight hundred and seventy-three.

In testimony whereof I have hereunto set my hand and affixed the seal of the circuit court of said  
[ L. S. ] county, at Round Lake, this eighth day of February, in the year of our Lord one thousand eight hundred and seventy-three.

O. S. CURTIS, *Clerk.*



COUNTY CLERK'S OFFICE, }  
*Kalkaska County, Mich.* }

In the matter of the application of James A. Drake and fourteen others, for the erection and organization of a new township.

It appearing to the board of supervisors that application has been made, and that notice thereof has been signed, posted, and published as in manner provided by law, and having duly considered the matter of such application, the board order and enact that the territory described in such application as follows, to wit: Township twenty-six (26) north, of range seven (7) west, be and the same is hereby erected into a township, to be called and known by the name of the township of Orange. The first annual meeting thereof shall be held at the house of A. P. Wheeler, on the twenty-sixth day of October, in the year of our Lord one thousand eight hundred and seventy-two, and at said meeting, James A. Drake, Lewis Denel, and Robert O. Pool, three electors of said township, shall be the persons whose duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls, and exercise the same powers as the inspectors of election at any township meeting as the law provides. Orange  
organized.

STATE OF MICHIGAN, }  
*County of Kalkaska,* } ss.

I, O. S. Curtis, clerk of the county aforesaid, and of the board of supervisors thereof, do hereby certify the foregoing to be a true copy of the original record in this office, as enacted by the board of supervisors at their meeting, held at Rapid River, on the fourteenth day of October, eighteen hundred and seventy-two.

In testimony whereof, I have hereunto set my hand and affixed the seal of the circuit court of said county at [ L. S. ] Round Lake, this eighth day of February, in the year of our Lord one thousand eight hundred and seventy-three.

O. S. CURTIS, *Clerk.*

## APPENDIX.

## LAKE COUNTY.

In the matter of the application of Lee S. Cobb, Harry Sawyer, and others, for the erection and organization of a new township.

Yates  
organized.

It appearing to the board of supervisors that application has been made as in the manner required by law, and having duly considered the matter of said application, the board order and enact that the territory described in said application, bounded and described as follows, to wit: All of town seventeen north, of range twelve west, be and the same is hereby erected into a township to be called and known by the name of the township of Yates. The first township meeting thereof shall be held at the residence of J. D. Blood, on the first Monday in April, A. D. 1873, at the usual time of holding township meetings. At said meeting Harry Sawyer, Philetus Siggins and Albert Blanchard, three electors of said township, shall be the persons whose duty it shall be to preside at said meeting, appoint a clerk, open and keep the polls, and exercise the same powers as the inspectors of election at any township meeting as provided by law; and that Harry Sawyer post the notices of the time and place of holding said meeting.

STATE OF MICHIGAN, }  
County of Lake, } ss.

I, David A. Lathrop, clerk of said county, and of the board of supervisors thereof, do hereby certify that I have carefully compared the foregoing copy of an order of said board with the record thereof in my office, and the same is a true copy thereof; and I do further certify that the said order was made at the annual meeting of said board held at the clerk's office in said county, on the 14th day of Oct., A. D. 1872.

In testimony whereof, I have hereunto set my hand,  
[ L. S. ] and affixed the seal of the circuit court for the  
said county this 2nd day of Dec., A. D. 1872.

DAVID A. LATHROP, *County Clerk.*

In the matter of the application of Isaac Grant, George W. Townsend, and others, for the erection and organization of a new township.

It appearing to the board of supervisors that application has been made as in the manner required by law, and having duly considered the matter of said application the board order and enact, that the territory described in said application, bounded and described as follows, to wit: All of town eighteen north, of range thirteen west, be and the same is hereby erected into a township to be called and known by the name of the township of Webber. The first township meeting therein shall be held at the residence of Levi Bovee, on the first Monday in April, A. D. 1873, at the usual time for holding township meetings; and at said meeting Levi Bovee, Layton Putnam, and DeWitt C. Davenport, three electors of said township, shall be the persons whose duty it shall be to preside at said meeting, appoint a clerk, open and keep the polls, and exercise the same powers as the inspectors of elections at any township meeting, as provided by law, and that Levi Bovee shall post the notices of the time and place of holding said meeting. <sup>Webber organized.</sup>

STATE OF MICHIGAN, {  
County of Lake, } ss.

I, David A. Lathrop, clerk of said county and of the board of supervisors thereof, do hereby certify that I have carefully compared the foregoing copy of an order of said board with the record thereof in my office, and the same is a true copy thereof; and I do further certify that the said order was made at the annual meeting of said board, held at the clerk's office, in said county, on the 14th day of October, A. D. 1872.

In testimony whereof, I have hereunto set my hand  
[L. S.] and affixed the seal of the circuit court for the said county, this twenty-fifth day of November, A. D. 1872.

DAVID A. LATHROP, *County Clerk.*

In the matter of the application of Wm. D. Campbell, Dilman Baker, James P. Allen and others, for the erection and organization of a new township.

Cherry  
Valley  
organized.

It appearing to the board of supervisors that application has been made as in manner required by law, and having duly considered the matter of said application, the board order and enact that the territory described in said application, bounded as follows, to wit: All of town eighteen north, of range twelve west, be and the same is hereby erected into township to be called and known by the name of Cherry Valley. The first township meeting thereof shall be held at the house of G. C. Clement, on the first Monday in April, A. D. 1873, at the usual time of holding township meetings. At said meeting John Bollinger, Horace Terry, and Frank Fairchilds, three electors of said township, shall be the persons whose duty it shall be to preside at said meeting, appoint a clerk, open and keep the polls, exercise the same powers as the inspectors of election at any township meeting, as provided by law; and that Charles W. Mitchell post the notices of the time and place of holding said meeting.

STATE OF MICHIGAN, {  
County of Lake, { ss.

I, David A. Lathrop, clerk of said county, and of the board of supervisors thereof, do hereby certify that I have carefully compared the foregoing copy of an order of said board with the record thereof in my office, and the same is a true copy thereof. And I do further certify that the said order was made at the annual meeting of said board held at the clerk's office in said county on the 14th day of October, A. D. 1872.

In testimony whereof I have hereunto set my hand  
[ L. s. ] and affixed the seal of the circuit court for the said county, this 2nd day of December, A. D. 1872.

DAVID A. LATHROP,  
County Clerk.

## LEELANAW COUNTY.

In the matter of the application of J. B. Thacker and twenty-seven others, for the erection and organization of a new township called Solon.

It appearing to the board of supervisors that application has been made and that notice thereof has been signed, posted up, and published as in manner required by law, and having duly considered the matter of said application, the board order and enact that the territory described in said application, bounded as follows, to wit: All of town number twenty-eight north, of range number twelve west, except sections one, twelve, thirteen, twenty-four, twenty-five, and thirty-six, in said county of Leelanaw, and State of Michigan, be and the same is hereby erected into a new township to be called and known by the name of the township of Solon. The <sup>Solon</sup> first annual township meeting thereof shall be held at the <sup>organized.</sup> house of Don C. D. Brooks, in said township, on the first Monday in April, A. D. 1872, at nine o'clock in the forenoon; and at said meeting, Don C. D. Brooks, Charles A. Hannaford, and Moses C. Cate, three electors of said township, shall be the persons whose duty it shall be to preside at said meeting, appoint a clerk, open and keep the polls, and exercise the same powers as the inspectors of election at any township meeting, as the law provides.

ROBERT LEE, *Chairman.*

S. J. HUTCHINSON, *Clerk.*

I, S. J. Hutchinson, Deputy Clerk of said county of Leelanaw, do hereby certify that the foregoing is a true statement of the action of the said board of supervisors, at the annual meeting thereof, held at Northport, in said county, in the county clerk's office, on the tenth day of October, A. D. 1871, as per records in this office.

In testimony whereof I have hereunto set my hand,  
[ L. S. ] and affixed the seal of the circuit court of Leelanaw, at Northport, this 13th day of September, A. D. 1872.

S. J. HUTCHINSON, *Dep. Co. Clerk.*

## MIDLAND COUNTY.

In the matter of the application of George Miller and sixteen others, for the organization of a new township, to be called the township of Warren.

Warren  
organized.

It appearing to the board of supervisors that application has been made and notice thereof has been duly signed, posted up, and published in the manner required by law, and the board having duly considered the matter of said application, they order and enact that the territory described as follows, to wit: Township sixteen (16) north, of range two (2) west, be and the same is hereby erected into a township to be called and known by the name of Warren. The first meeting of said township is to be held on the first Monday of February, A. D. 1872, at the house of Jonathan Pierce, and at said meeting Jonathan Pierce, W. S. Furgeson, and L. H. Higgins, three electors of said township shall be the persons whose duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls, and exercise the same powers as the inspectors of elections of any township meeting. The said Jonathan Pierce shall post notices at least fourteen days before said election, in some public places.

STATE OF MICHIGAN, }  
County of Midland, } ss.

I, William Plummer, clerk of the circuit court for the county aforesaid, and the board of supervisors thereof, do hereby certify that I have carefully compared the foregoing copy of an order of said board with the record thereof in my office, and that the same is a true transcript therefrom, and the whole of such original record.

In testimony whereof, I have hereunto set my hand  
[L. S.] and affixed the seal of said court at Midland City,  
this 27th day of March, A. D. 1873.

WILLIAM PLUMMER, *Clerk.*

In the matter of the application of E. J. Brewester and twenty-five others, for the organization of a new township to be called the township of Hope.

It appearing to the board of supervisors that application has been made, and the notices thereof have been signed, posted up, and published, as in manner required by law, and having duly considered the matter of said application, that the board order and enact that the territory described and known as town sixteen north, of range one east, be and the same is hereby erected into a township to be called and known by the name of the township of Hope. The first township meeting <sup>Hope</sup> <sup>organized.</sup> thereof shall be held at the school-house in school district number one in said township, on the 20th day of November, at nine o'clock A. M., A. D. 1871; and at said meeting E. J. Brewester, Harding Mills, and Charles Inman, three electors of said township, shall be the persons whose duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls, and exercise the powers of inspectors of election at any township meeting, as the law provides. E. J. Brewester and Harding Mills are hereby appointed to post up notices of the time and place of holding said meeting in the newly organized township of Hope. Also at the same time and on the same day a township meeting shall be held in the township of Lincoln.

STATE OF MICHIGAN, }  
*County of Midland,* } ss.

I, William Plummer, clerk of the circuit court for the county aforesaid, and the board of supervisors thereof, do hereby certify that I have carefully compared the foregoing copy of an order of said board with the record thereof in my office, and that the same is a true transcript therefrom and the whole of such original record.

In testimony whereof I have hereunto set my hand  
 [ L. S. ] and affixed the seal of said court at Midland City  
 in said county, this 27th day of March, A. D. 1873.

WM. PLUMMER, *Clerk.*

In the matter of the application of John Pendent and fourteen others, for the organization of a new township to be called the township of Roscommon.

It appearing to the board of supervisors of Midland county, by petition and otherwise, that the territory of Roscommon county, now attached to the county of Midland, contains at least twelve resident legal voters, and that all the steps required by law preparatory to the organization of said unorganized territory of Roscommon into a township, have been taken; therefore,

*Resolved*, That the said attached territory of Roscommon county be and the same hereby is set off and organized into a separate township to be known as the township of Roscommon. Said township so formed and set off to continue attached to the county of Midland as before; that the time of holding the first annual township meeting in said township of Roscommon shall be the first Monday of April, A. D. 1873; that the place of holding the said first annual township meeting shall be at the dwelling house of S. Watson Andrews, in said township and the three following named electors of said township, viz: John W. Dinton, Peter W. Pendent, and William B. Perry, are hereby designated to preside at such first annual township meeting, appoint a clerk, open and keep the polls, and exercise the same powers as the inspectors of election at any township meeting.

STATE OF MICHIGAN, {  
County of Midland, } ss.

I, William Plummer, clerk of the circuit court for the county aforesaid, and the board of supervisors thereof, do hereby certify that I have carefully compared the foregoing copy of an order of said board with the record thereof in my office, and that the same is a true transcript therefrom and the whole of such original record.

In testimony whereof I have hereunto set my hand  
[ L. S. ] and affixed the seal of said court, at Midland City,  
this 27th day of March, A. D. 1873.

WM. PLUMMER, *Clerk.*



## NEWAYGO COUNTY.

Copy of the proceedings of the board of supervisors of the county of Newaygo, organizing the township of Monroe therein, at a session held October 14th, A. D. 1873. In the matter of the application of Harry Monroe, Daniel S. Monroe, Joseph C. Monroe, David Pike, J. Chapman, J. G. Childs, F. H. Hooker, E. B. Reynolds, R. Pettibone, Reuben Badger, A. H. McCall, Almon Hoffman, Daniel Kreighbaun, and Urias Kreighbaun of Everett; and Truman Rinman, Joseph Perkins, Elias Elivell, Isaiah Inman, O. H. Britton, John Morte, G. W. Heath, Lewis Vaunatas, G. P. Hall, Melton Jackson, James M. Hyatt, A. S. Chapman, Wm. Smith, and I. Thompson, of the township of Barton, for the erection and organization of a new township.

It appearing to the board of supervisors that application has been made, and that notice thereof has been signed, posted up, and published, as in the manner required by law; and having duly considered the matter of said application, the board order and enact that the territory described in said application, bounded as follows, to wit: Township fifteen (15) and sixteen (16) north, of range twelve (12) west, and the east half ( $\frac{1}{2}$ ) township fifteen (15) and sixteen (16) north, of range thirteen (13) west, be and the same is hereby erected into a township to be called and known by the name of the township of Monroe.

Monroe  
organized.

The first annual township meeting thereof shall be held at the school-house of school district number five (Barton), on the seventh day of April, A. D. 1873, at 9 o'clock in the forenoon; and at said meeting Elias Elivell, Roger Pettibone, and Harry Monroe, three electors of said township, shall be the persons whose duty it shall be to preside at such meetings, appoint a clerk, open and keep the polls, and exercise the same powers as the inspectors of election at any township meeting, as the law provides.

STATE OF MICHIGAN, }  
Newaygo County, } ss.

I, Sanford Brown, clerk of said county, do hereby certify

that the foregoing is a true copy of an order of the board of supervisors of said county, relating to an application for the erection of the township of Monroe, in said county; that said copy has been examined and compared by me with the original of record in my office; that it is a correct transcript thereof, and of the whole of said original record.

In testimony whereof I have hereunto set my hand  
[L. s.] and affixed the seal of said county, at the village  
of Newaygo, this 21st day of June, A. D. 1873.

SANFORD BROWN, *Clerk.*

—

### SAGINAW COUNTY.

COURT HOUSE, SAGINAW CITY, }  
March 19, 1873. }

Third day of the adjourned session of the board of supervisors  
of Saginaw county.

#### *Afternoon Session.*

Board met pursuant to adjournment. Hon. Chas. D. Little  
in the chair. Roll called: a quorum present.

In the matter of the application of Arnold J. West and others.

It appearing to the board of supervisors of Saginaw county,  
that application has been made, and that notice thereof has  
been signed, posted up, and published in the manner required  
by law, and having duly considered the matter of the said  
application, the board order and enact that the territory  
described in said application, to wit: Town twelve north, of  
range one east, be and the same is erected into a township  
to be called and known by the name of the township of  
"Jonesfield." The first annual township meeting thereof  
shall be held at the school-house of school district No. 2,  
in section 28, town twelve (12) north, of range 1 east,  
on the first Monday in April, 1873, at 9 o'clock A. M.;  
and at said meeting, Joel Nevins, Alexander Fales, and

Jonesfield  
organized.

Arnold J. West, three electors of said township, shall be the persons whose duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls, and exercise the same powers as the inspectors of elections at any township meeting, as the law provides; and the said Joel Nevins, Alexander Fales, and Arnold West shall constitute a board of registration, with like powers and duties as township boards of registration in other cases; and the place of holding the session of said board of registration shall be at the school-house in school district No. 2 in said township.

And further, that Joel Nevins, Alexander Fales, and Arnold J. West be and they are hereby directed to post the notices of registration required by law, in three conspicuous places in the territory thus organized in the township of Jonesfield; and that the said Alexander Fales, Arnold J. West, and Joel Nevins be and they are required to take the constitutional oath before some person properly authorized to administer the same, before entering upon the duties of board of registration, and that upon the election of the officers of said township the said constitutional oath so taken shall be filed with the township clerk of Jonesfield.

Upon the question being taken upon the motion, and the ayes and nays being demanded, the resolution was adopted by the following vote:

AYES—Aschard, Aiken, Andre, Brundage, Darling, Dobson, Doughty, Eaton, Orr, Grout, Haack, Mickles, Helme, Hynes, Krafft, Kreemer, Langlass, Lewis, McBratine, Mickley, Merrill, Mead, Morey, O'Donnell, Quackenbush, Ring, Ross, Schupp, Smith, Stark, Steckert, Stoker, Thompson, Wiltse.

Ayes, 34 ; nays, 0.

STATE OF MICHIGAN, }  
County of Saginaw, } ss.

I, Fred. B. Sweet, clerk of said county and of the circuit court thereof, do hereby certify that the above and foregoing is a true copy of the resolution organizing the township of

Jonesfield in said Saginaw county, now on file and of record in my office; that I have carefully compared said copy with the original resolution; and that it is a correct transcript, therefrom, and of the whole thereof.

In witness whereof, I have hereunto set my hand,  
[ L. S. ] and affixed the seal of said court, at Saginaw,  
this 3d day of April, A. D. 1873.

FRED. B. SWEET, *Clerk.*

### ST. JOSEPH COUNTY.

Regular session of the board of supervisors for the county of St. Joseph and State of Michigan, held at the court-house in the village of Centerville, on the 26th day of December, A. D. 1872.

Constantine diminished. The petition of Z. W. Wagar and other freeholders of the township of Constantine, St. Joseph county, and O. F. Howard and other freeholders of the township of Florence, in said county aforesaid, to set off so much of that part of town seven (7) south, of range twelve (12) west, described as follows: The east fraction of section one (1), and the southeast fractional quarter, and the northeast fractional quarter of section twelve (12), town seven (7) south, of range twelve (12) west, from the township of Constantine to the township of Florence, the land lying on the east side of St. Joseph river, was received, and on motion the prayer of the petitioners was granted, all the supervisors voting, fifteen for and one against granting the petition.

Lockport diminished. The petition of Wm. B. English and other freeholders of the township of Nottawa, St. Joseph county, to set off lots 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, of section seven (7), in the village of Centerville, and township of Lockport, to the township of Nottawa, was on motion received and granted by a majority vote of the board of supervisors, all the supervisors voting,

Nottawa enlarged.

twelve in favor of and four against granting the prayer of the petitioners.

J. C. BISHOP,

*Chairman of the Board of Supervisors.*

JOHN C. JOSS,

*Clerk of the Board of Supervisors.*

STATE OF MICHIGAN, }  
County of St. Joseph, } ss.

I, John C. Joss, clerk of the board of supervisors for the county and State aforesaid, do hereby certify that the foregoing transcript is a true and correct statement of the setting off and changing boundary lines and resolutions passed by said board of supervisors, and that I have compared the same with the original record in my office.

In witness whereof I have hereunto set my hand and  
[L. s.] affixed the seal of my office, at Centerville, this  
9th day of January, A. D. 1873.

JOHN C. JOSS, *Clerk.*

## WEXFORD COUNTY.

In the matter of the application of Denmon More and others,  
for the erection and organization of a new township.

It appearing to the board of supervisors that application has been made, and that notice thereof has been signed, posted up, and published as in the manner required by law, and having duly considered the matter of said application,

*The board order and enact,* That the territory described as follows, to wit: Township twenty-three (23) north, of range nine (9) west, in said county, be and the same is hereby erected into a township, to be called and known by the name of the township of Cedar Creek. The first annual township meeting thereof shall be held at the residence of James Hawthorne, in said township, on the first Monday in April, A. D. 1873, at 9

*Cedar Creek  
organized.*

o'clock A. M., and that James Hawthorne, Denmon More, and John Carpenter, three electors of said township, shall be the persons whose duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls, and exercise the same powers as inspectors of election at any township meeting, as the law provides.

WM. E. DEAN, *Chairman.*

H. B. STURTEVANT, *Clerk.*

STATE OF MICHIGAN, }  
*Wexford County,* } ss.

I, H. B. Sturtevant, clerk of said county of Wexford, do hereby certify that the foregoing is a true statement of the action of the board of supervisors of said county upon the organization of the township of Cedar Creek, as appears upon the journal of the proceedings of said board remaining in my office.

In testimony whereof I have hereunto set my hand  
 [ L. S. ] and affixed the seal of the circuit court of Wexford county, at Sherman, this 26th day of August,  
 A. D. 1872.

H. B. STURTEVANT,  
*County Clerk.*

## STATE TREASURER'S ANNUAL REPORT—1872.

STATE OF MICHIGAN,  
STATE TREASURER'S OFFICE,  
LANSING, Sept. 30th, 1872.

To his Excellency, HENRY P. BALDWIN,

*Governor of the State of Michigan:*

SIR—Agreeably to the requirements of law, I herewith submit the Annual Report of this Department for the fiscal year ending this day. The balance of cash in the Treasury September 30th, 1871, was.....

\$694,122 66  
There was received during the fiscal year..... 2,181,498 22  
\$2,875,620 88

The disbursements during the year amounted to 1,898,396 85

Leaving a balance in the Treasury of..... \$977,224 03

The demands upon the Treasury now due, and those maturing on or before January 1st, 1873, are as follows:

Balance of Appropriations..... \$343,977 91  
Past-due Bonds and Coupons..... 37,360 53  
Sundry Trust Deposits..... 2,688 03  
Semi-annual Interest due November 1, 1872..... 16,205 00  
Agricultural College interest due October 1, 1872,  
and January 1, 1873..... 2,500 00  
University interest and aid due January 1, 1873. 12,000 00  
Semi-annual interest due January 1, 1873..... 52,380 00  
Two Million Loan Bonds due January 1, 1873... 370,000 00  
\$837,111 47

The following amounts have been received, and are held in trust for the purposes named :

Sinking fund for redeeming bonds due in 1878 or purchasing them when they can be obtained at par .....	\$182,713 76
Canal Fund for retiring Canal Bonds .....	62,224 99
Military Fund, subject to the order of the Quarter- master General and the State Military Board ..	64,423 27
Primary School Interest Fund, to be apportioned to the Counties May 1, 1873 .....	71,021 13
Trust Funds, which will be transferred to the Sinking Fund July 1, 1873 .....	57,328 88
Agricultural College Fund under Act No. 68, Laws of 1871 .....	73,608 92
	<hr/>
	<b>\$511,320 95</b>
	<hr/>

The following balances of the various appropriations remain unpaid:

Asylum for the Insane .....	\$110,000 00
“ “ Deaf, Dumb, and Blind .....	10,000 00
State Prison .....	63,000 00
New Capitol .....	98,100 43
Geological Survey and Reports .....	20,500 00
Public School .....	14,963 35
Normal School .....	11,491 56
Immigration Commission .....	7,500 00
Agricultural College .....	3,000 00
Canal Apportionment .....	1,958 57
National Cemeteries .....	1,624 50
Roll of Honor .....	1,339 50
City and Village Charter Commission .....	500 00
	<hr/>
	<b>\$343,977 91</b>
	<hr/>



There has been received during the year from the Treasurer of the United States, \$14,356 74, as five per cent of the proceeds of cash sales for lands lying within this State, which amount, together with \$2,615 08 (the balance held over from last year), has been paid to Francis B. Gilbert, agent and trustee of William Beard and others, in compliance with the provisions of Joint Resolution No. 12, Laws of 1869.

There has also been received from the Treasurer of the United States the sum of \$58,893 00, on account of War Expenses incurred by this State, which has been passed to the credit of the Sinking fund.

The total amount of specific taxes, including \$35,690 35 of mining taxes from the Upper Peninsula, received during the year, was \$358,171 92, an amount sufficient to pay the interest on the Trust Funds and on the bonded debt of the State, leaving a surplus of \$5,020 68 to be credited to the Sinking Fund.

During the year there was received from the Governor and credited to the Military Fund, for the sale of ordinance stores under Joint Resolution No. 4, Session Laws of 1871, \$1,440 30; also military tax, under Act No. 16, Laws of 1862, \$27,976 05. Total credits for the year, \$29,416 35.

The payments from the fund were as follows: To the Treasurer of the State Military Board, under the provisions of Act No. 35, Laws of 1869, for the benefit of the Soldiers' Aid Fund, \$4,000 00; to the Quartermaster General, on estimates of the State Military Board, approved by the Governor, \$7,750 00. Total payments for the year, \$11,750 00. The balance now standing to the credit of the fund is \$64,423 27.

The total amount of Swamp Land Scrip charged on the books of this office during the year, for entering lands, was \$308,376 77. The amount now outstanding which can be used for that purpose is \$144,629 18.

## SINKING FUND.

While the credit to this fund on the Trust Fund ledger is \$1,470,443 96, the debit on the main ledger is \$917,680 20, which gives a net credit of \$552,763 76. This amount includes \$50 for a War-Loan Bond drawn for payment January 1, 1863, which has never been presented.

The first credit to the Sinking Fund from the Trust Funds was made in February, 1863. The following table will show the receipts into, and the payments from the fund since it was opened:

One-sixteenth mill tax, 8 years.....	\$111,511 06
One-eighth           "    10   " .....	357,256 57
Surplus taxes levied for interest.....	1,037,004 60
War expenses refunded by the United States....	266,828 40
Discount on bonds purchased.....	3,069 17
Trust Funds rec'd from Feb., 1863, to July, 1872..	1,470,443 96
	<hr/>
	<b>\$3,246,113 76</b>
	<hr/> <hr/>

*Contra.*

Temporary Loan Bonds.....	\$50,000 00
Renewal Loan Bonds.....	66,000 00
Two Million Loan Bonds.....	485,000 00
War Loan Bonds.....	1,249,400 00
War Bounty Loan Bonds.....	843,000 00
Balance .....	552,713 76
	<hr/>
	<b>\$3,246,113 76</b>
	<hr/> <hr/>

The above balance of \$552,713 76, with the Trust Funds received since July 1, 1872 (\$57,328 88), make a total of \$610,042 64, an amount which will pay all bonds maturing in 1873, and leave a balance to the credit of the Sinking Fund of \$240,042 64.

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## STATE DEBT.

The funded and fundable debt of the State is as follows:

*Interest-Bearing Bonds.*

Sault Canal Bonds, 6's, due July 1, 1879.....	\$81,000 00
Renewal Loan Bonds, 6s, due July 1, 1878.....	150,000 00
Two Million Loan Bonds, 6's, due Jan. 1, 1873..	370,000 00
“ “ “ “ 6's, “ “ 1878..	427,000 00
“ “ “ “ 6's, “ “ 1883..	718,000 00
War Bounty Loan Bonds, 7's, due May 1, 1890..	463,000 00

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Total interest-bearing debt.....\$2,209,000 00

*Non-Interest-Bearing Debt.*

Adjusted bonds past due.....	\$3,000 00
War Loan Bond drawn for Sinking Fund.....	50 00
\$54,000 of part-paid Five Million Loan Bonds, adjustable at.....	31,242 78
	<hr/> 34,292 78

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Total bonded debt.....\$2,243,292 78

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The cash now in the Treasury set apart for the payment of the bonded debt is as follows:

Sinking Fund.....	\$552,713 76
Trust Funds received since July 1, 1872.....	57,328 88
Canal Fund.....	64,654 99
Balance from sale of Two Million Loan Bonds to pay adjusted and Five Million Loan Bonds...	34,292 78
	<hr/> \$708,990 41

Which leaves the total bonded debt of the State, less the cash in the Treasury applicable to its payment, \$1,534,302 37.

## TRUST FUNDS.

The trust debt of the State is composed of the following funds and amounts:

Primary School Fund.....	\$1,989,016 87
Five per cent Primary School Fund.....	251,909 31
University Fund.....	327,728 72
Normal School Fund.....	48,314 70
Agricultural College Fund.....	73,603 92
Railroad and other deposits.....	2,623 71
	<hr/>
	<b>\$2,693,202 23</b>
	<hr/> <hr/>

The Supreme Court having declared the Railroad Aid Law unconstitutional, and the bonds issued under the same valueless, I give below the action of this office in regard to the disposition of the same since the passage of the law.

There has been surrendered—

On certificate of the Governor.....	\$361,400 00
“ mandamus of Supreme Court.....	629,400 00
“ order of circuit court in chancery.....	31,900 00
“ release from railroad company.....	240,000 00
“ verified resolution of township board.....	849,500 00
	<hr/>
	<b>\$2,112,200 00</b>
	<hr/> <hr/>

Under this last method we hope soon to surrender those still on deposit, a detailed table of which is herewith appended.

TOWNSHIP.	COUNTY.	NAME OF RAILROAD.	AMOUNT.
Concord.....	Jackson.....	Michigan Air Line.....	\$15,000 00
Waterloo.....	Jackson.....	Michigan Air Line.....	28,000 00
Henrietta.....	Jackson.....	Michigan Air Line.....	10,000 00
Putnam.....	Livingston.....	Michigan Air Line.....	20,000 00
Unadilla.....	Livingston.....	Michigan Air Line.....	20,000 00
Hamburg.....	Livingston.....	Michigan Air Line.....	18,000 00
Brighton.....	Livingston.....	Michigan Air Line.....	12,000 00
Stockbridge.....	Ingham.....	Michigan Air Line.....	17,500 00

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TOWNSHIP.	COUNTY.	NAME OF RAILROAD.	AMOUNT.
Constantine	St. Joseph	Michigan Air Line	\$50,000 00
Linden	Washtenaw	Michigan Air Line	15,000 00
Calvin	Cass	Michigan Air Line	20,000 00
Howell	Livingston	Howell & Lansing	18,200 00
Handy	Livingston	Howell & Lansing	9,500 00
Casco	Allegan	Kalamazoo & South Haven	5,000 00
South Haven	Van Buren	Kalamazoo & South Haven	52,800 00
Bloomington	Van Buren	Kalamazoo & South Haven	26,700 00
Arlington	Van Buren	Kalamazoo & South Haven	15,000 00
Bangor	Van Buren	Kalamazoo & South Haven	15,000 00
Holland	Ottawa	Allegan & Holland	8,000 00
Heath	Ottawa	Allegan & Holland	7,000 00
Three Oaks	Berrien	Chi. & Mich. Lake Shore	16,000 00
Hagar	Berrien	Chi. & Mich. Lake Shore	8,840 00
Watervliet	Berrien	Chi. & Mich. Lake Shore	18,800 00
Deerfield	Van Buren	Chi. & Mich. Lake Shore	28,960 00
Hartford	Van Buren	Chi. & Mich. Lake Shore	86,000 00
South Haven	Van Buren	Chi. & Mich. Lake Shore	40,000 00
Ganges	Allegan	Chi. & Mich. Lake Shore	15,000 00
Saugatuck	Allegan	Chi. & Mich. Lake Shore	48,000 00
Bingham	Clinton	Lans., St. Johns & Mack	40,000 00
De Witt	Clinton	Lans., St. Johns & Mack	80,000 00
Olive	Clinton	Lans., St. Johns & Mack	7,880 00
Greenbush	Clinton	Lans., St. Johns & Mack	11,878 00
Coe	Isabella	Lans., St. Johns & Mack	15,579 00
Union	Isabella	Lans., St. Johns & Mack	21,224 00
Chippewa	Isabella	Lans., St. Johns & Mack	5,818 90
Bethany	Gratiot	Lans., St. Johns & Mack	8,000 00
Arcada	Gratiot	Lans., St. Johns & Mack	18,000 00
Pine River	Gratiot	Lans., St. Johns & Mack	21,829 00
Newark	Gratiot	Lans., St. Johns & Mack	12,000 00
Emerson	Gratiot	Lans., St. Johns & Mack	10,000 00
North Star	Gratiot	Lans., St. Johns & Mack	9,998 40
Washington	Gratiot	Lans., St. Johns & Mack	8,000 00
Marshall City	Calhoun	Jonesville, Marsh. & G. Riv.	69,700 00
Marshall Town	Calhoun	Jonesville, Marsh. & G. Riv.	17,000 00
Eckford	Calhoun	Jonesville, Marsh. & G. Riv.	15,000 00
Lee	Calhoun	Jonesville, Marsh. & G. Riv.	5,500 00
Walton	Eaton	Jonesville, Marsh. & G. Riv.	20,000 00
Kalamo	Eaton	Jonesville, Marsh. & G. Riv.	25,000 00
Lyons	Ionia	Jonesville, Marsh. & G. Riv.	40,000 00
Portland	Ionia	Jonesville, Marsh. & G. Riv.	15,900 00

TOWNSHIP.	COUNTY.	NAME OF RAILROAD.	AMOUNT.
Sebewa.....	Ionia .....	Jonesville, Marsh. & G. Riv.	\$10,000 00
Ronald.....	Ionia .....	Jonesville, Marsh. & G. Riv.	19,985 00
Home .....	Montcalm...	Jonesville, Marsh. & G. Riv.	4,018 50
Day .....	Montcalm...	Jonesville, Marsh. & G. Riv.	7,800 00
Sidney .....	Montcalm...	Jonesville, Marsh. & G. Riv.	8,800 00
Douglass.....	Montcalm ...	Jonesville, Marsh. & G. Riv.	6,400 00
Evergreen .....	Montcalm ...	Jonesville, Marsh. & G. Riv.	5,900 00
Bushnell .....	Montcalm ...	Jonesville, Marsh. & G. Riv.	11,200 00
Duplain .....	Clinton.....	Owosso & Big Rapids.....	10,000 00
Owosso .....	Shiawassee...	Owosso & Big Rapids.....	10,000 00
Owosso City....	Shiawassee ..	Owosso & Big Rapids.....	6,000 00
Fairfield .....	Shiawassee ..	Owosso & Big Rapids.....	6,500 00
Elba .....	Gratiot.....	Owosso & Big Rapids.....	7,000 00
Sumner .....	Gratiot.....	Owosso & Big Rapids.....	15,000 00
Arcada.....	Gratiot.....	Owosso & Big Rapids.....	13,875 00
Big Rapids City.	Mecosta .....	Owosso & Big Rapids.....	45,000 00
Ferris .....	Montcalm...	Owosso & Big Rapids.....	10,500 00
Grand Haven...	Ottawa.....	Michigan Lake Shore.....	4,000 00
Olive.....	Ottawa.....	Michigan Lake Shore.....	5,000 00
Muskegon.....	Muskegon ...	Michigan Lake Shore.....	50,000 00
Oceana.....	Muskegon ...	Michigan Lake Shore.....	80,000 00
Lawrence.....	Van Buren..	Paw Paw Valley.....	50,000 00
Keeler .....	Van Buren..	Paw Paw Valley.....	45,000 00
Bainbridge .....	Van Buren..	Paw Paw Valley.....	15,000 00
Antwerp.....	Van Buren..	Paw Paw Valley.....	30,000 00
Porter.....	Van Buren..	Paw Paw Valley.....	15,000 00
Shiawassee.....	Shiawassee ..	East Saginaw & Ann Arbor.	17,000 00
Corunna.....	Shiawassee...	East Saginaw & Ann Arbor.	14,000 00
Caledonia .....	Shiawassee..	East Saginaw & Ann Arbor.	12,000 00
Spaulding.....	Saginaw ....	East Saginaw & Ann Arbor.	19,500 00
Waterloo.....	Clinton.....	Westph., Hub. & Northern..	19,500 00
Westphalia .....	Clinton.....	Westph., Hub. & Northern..	18,000 00
Lebanon .....	Clinton.....	Westph., Hub. & Northern..	10,000 00
North Plains....	Ionia .....	Westph., Hub. & Northern..	25,000 00
Milan.....	Monroe .....	Toledo, Ann Arbor & North.	12,000 00
Dundee .....	Monroe .....	Toledo, Ann Arbor & North.	25,000 00
Burns .....	Shiawassee..	Toledo, Ann Arbor & North.	20,000 00
Bennington .....	Shiawassee..	Toledo, Ann Arbor & North.	10,000 00
Cohoctah.....	Livingston ..	Toledo, Ann Arbor & North.	16,200 00
Norton .....	Muskegon ...	Grand Rapids & Lake Shore.	6,000 00
Lovell.....	Muskegon ...	Grand Rapids & Lake Shore.	5,000 00
Tallmadge.....	Ottawa .....	Grand Rapids & Lake Shore.	10,000 00

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TOWNSHIP.	COUNTY.	NAME OF RAILROAD.	AMOUNT.
Hart .....	Oceana .....	Grand Rapids & Lake Shore.	\$21,500 00
Shelby .....	Oceana .....	Grand Rapids & Lake Shore.	7,195 00
Lyon .....	Oakland .....	Toledo, Ypsilanti & Saginaw.	15,000 00
Highland .....	Oakland .....	Toledo, Ypsilanti & Saginaw.	10,000 00
Rose .....	Oakland .....	Toledo, Ypsilanti & Saginaw.	10,000 00
Augusta .....	Washtenaw .....	Toledo, Ypsilanti & Saginaw.	20,000 00
Superior .....	Washtenaw .....	Toledo, Ypsilanti & Saginaw.	20,000 00
Eureka .....	Montcalm .....	Ionia & Lansing .....	20,000 00
Montcalm .....	Montcalm .....	Ionia & Lansing .....	5,000 00
Perry .....	Shiawassee .....	Port Huron & Lake Mich ..	13,000 00
Flushing .....	Genesee .....	Port Huron & Owosso .....	28,000 00
Ionia .....	Ionia .....	Ionia & Stanton .....	40,000 00
St. Clair .....	St. Clair .....	Michigan Air Line Extension.	28,800 00
Spring Lake .....	Ottawa .....	Fruitport & Lake Shore .....	13,800 00
Almont .....	Lapeer .....	Romeo & Almont .....	45,000 00
Oronoco .....	Berrien .....	Elkhart & Lake Michigan...	40,000 00
			<u>\$2,031,575 80</u>

The following tables will show the details of revenue and expenditures for the fiscal year:

## RECEIPTS.

Tax Histories.....	\$1,730 63	
Tax Deeds.....	575 50	
State Tax Lands.....	45,811 06	
Redemptions.....	29,201 95	
Delinquent Taxes.....	227,132 04	
	<hr/>	\$304,451 18
Primary School, Principal.....	\$155,097 59	
"    "    Interest.....	49,743 48	
Swamp Land, Principal.....	332,896 32	
"    "    Interest.....	4,004 86	
University, Principal.....	5,521 40	
"    "    Interest.....	8,515 60	
Agricultural College, Principal.....	33,621 93	
"    "    Interest.....	3,273 05	
Normal School, Principal.....	419 67	
"    "    Interest.....	1,635 53	

Asylum, Principal.....	\$1,813 75	
"    Interest.....	1,520 96	
State Building, Principal.....	730 25	
"    "    Interest.....	362 35	
Salt Spring, Principal.....	941 49	
"    "    Interest.....	914 24	
Internal Improvement.....	840 00	
	<hr/>	\$601,852 47
Primary School, Deposits.....	\$560 00	
"    "    Interest Deposits..	19 34	
Swamp Land, Deposits.....	160 43	
"    "    Interest Deposits....	9 77	
State Building Deposits.....	26 25	
"    "    Interest Deposits....	1 44	
	<hr/>	777 23
Taxes on part paid Lands.....	\$4,945 22	
Fees, Plats, etc., from Land Office...	3,096 49	
	<hr/>	8,041 71
Counties—State Tax 1871.....	\$476,248 36	
General Account.....	76,644 67	
Taxes and Redemptions.....	41,964 45	
Tax Sales.....	170,059 85	
	<hr/>	764,917 33
Specific Taxes—R. R. Companies...	\$221,197 40	
Street Railway Companies.....	1,466 43	
Fire Insurance    "    .....	44,590 00	
Life    "    "    .....	51,385 32	
Mining, U. P.    "    .....	35,690 35	
Express    "    .....	1,742 29	
Telegraph    "    .....	1,392 00	
Miscellaneous.....	708 13	
	<hr/>	358,171 92
Tolls on Sault Ste. Marie Canal.....		30,923 30
United States—War Claim refunded..	\$58,892 00	
"    "    5 per cent. on sales		
of Land.....	14,356 74	
	<hr/>	73,248 74



## APPENDIX.

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Interest on surplus funds.....	\$28,095 05	
“ “ Specific Taxes.....	4,560 56	
“ “ Tax Sales.....	242 17	
“ “ Contract for escheat lands.....	49 00	
“ “ Contract for old State Offices.....	4 52	
	<hr/>	\$32,951 30
Sales, Michigan Reports.....	\$892 29	
“ Compiled Laws.....	295 60	
“ Session Laws.....	70 00	
“ Territorial Laws.....	10 50	
“ Commissioner of Insurance Reports.....	74 50	
	<hr/>	1,342 89
Sales, Ordnance Stores.....	\$1,440 35	
“ old Offices.....	500 00	
“ old Stoves.....	80 00	
	<hr/>	2,020 35
Fees, Secretary of State.....	\$654 58	
“ Notary Public.....	422 00	
“ Commissioners of Deeds.....	120 00	
“ Commissioners of Swamp Land Road Office.....	3 00	
	<hr/>	1,199 58
Rents, State Property at Lansing....	\$170 00	
“ Military Offices at Detroit....	250 00	
	<hr/>	420 00
Recovered—Soldiers' Bounty.....	\$150 00	
Costs of Suit.....	79 50	
Insurance on Paper.....	29 16	
Expenses of Supreme Court.....	26 00	
Redemption.....	50	
	<hr/>	285 16

Trespass, Primary School Lands.....	\$16 04	
“ Swamp Lands.....	79 76	
	<hr/>	\$95 80
Peddlers' Licenses.....		498 01
Escheats.....		100 00
Balance on Redemptions and State Bids under paid.....		14 15
Auditor General's deposits due correspondents.		187 10
	<hr/>	
Total Receipts.....	\$2,181,498 22	

## EXPENDITURES.

*Bonds.*

Renewal.....	\$10,000 00	
Two-Million Loan due 1873.....	88,000 00	
“ “ “ 1878.....	9,320 00	
“ “ “ 1883.....	5,000 00	
	<hr/>	112,000 00

*Coupons.*

Canal Bonds.....	\$4,890 00	
Renewal Bonds.....	9,000 00	
Two Million Loan.....	96,181 20	
War Bounty.....	32,165 00	
	<hr/>	142,556 20

*Counties.*

Primary School Int. Apportionment.	\$186,915 84	
Taxes collected in excess of State Tax.....	390,854 06	
Asylum for Insane.....	4,793 67	
“ “ D., D., and B.....	1,088 07	
	<hr/>	583,651 64

## APPENDIX.

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*Appropriations.*

University Building .....	\$37,500 00	
"    Aid .....	15,000 00	
"    Interest .....	38,550 00	
Reform School .....	51,000 00	
Asylum for Insane .....	93,300 00	
"    "    D., D. and B. ....	45,000 00	
Agricultural College Aid .....	18,250 00	
"    "    Interest .....	6,774 47	
Normal School .....	24,000 00	
Geological Survey .....	10,900 00	
Immigration Commission .....	2,500 00	
State Prison .....	14,000 00	
State Library .....	375 00	
State Capitol and temporary State Offices .....	21,749 44	
Teachers' Institutes .....	1,800 00	
Social Statistics .....	165 42	
		<b>\$380,864 33</b>
Salaries .....		<b>132,722 04</b>
Awards of Board of State Auditors—		
Printing and Binding .....	\$62,778 64	
Paper and Stationery .....	37,934 74	
General Awards .....	22,668 65	
Sault Ste. Marie Canal .....	225 88	
Expenses of State Land Road Office .....	1,715 92	
Insurance on State Library .....	300 00	
Advertising sales of Forfeited Lands .....	303 80	
Compiling Laws .....	1,700 00	
Costs of Suit (Swamp Land) .....	1 00	
Expense of Supreme and Circuit Courts .....	196 64	

Commissioners of State Public			
School .....	\$36 65		
Locating Indemnity Primary			
School Lands.....	763 32		
			<hr/>
			\$128,625 24
Redemptions. ....			53,919 03
Swamp Land Warrants.....			265,975 75
Expenses of Supreme and Circuit			
Courts .....	\$2,232 18		
Expenses of Sale.....	902 83		
“ “ Insurance Bureau.....	3,149 29		
“ “ Canal.....	3 95		
“ “ Inspectors of State			
Prison.....	1,111 20		
“ “ Trustees of Asylum..	431 49		
“ “ Commissioners of Penal			
and Reform Inst....	1,245 83		
			<hr/>
			9,076 77
Refunded, Land Office, Principal and			
Interest .....	\$755 96		
Refunded, Land Office, Bid and In-			
terest.....	1,175 01		
Refunded, Tax Sales.....	199 97		
“ “ History.....	73		
“ Fees of Notary Public...	1 00		
			<hr/>
			2,132 67
Publishing Michigan Reports.....	\$4,518 62		
“ Laws of 1870 and 1872..	1,560 00		
			<hr/>
			6,078 62
Legislature of 1872—per diem and			
mileage.....	12,000 00		
Legislature of 1872 — Contingent			
Expenses.....	1,087 77		
			<hr/>
			13,087 77

## APPENDIX.

629

Court of Impeachment—per diem and mileage.....	\$12,746 70	
Court of Impeachment—Contingent Expenses.....	3,627 93	
		\$16,374 63
Tax Sales—advertising.....	\$15,060 50	
“ conducting same.....	5,095 73	
		20,156 23
Military—Quartermaster General....	\$7,750 00	
“ Soldiers’ Aid.....	4,000 00	
“ Bounties.....	750 00	
		12,500 00
Coroners’ Fees.....		1,416 11
Wolf Bounties.....		88 00
Indexing Legislative Journal.....		200 00
Beard Claim.....		16,971 82
Total Expenditures.....		<u>\$1,898,396 85</u>

Very respectfully,  
V. P. COLLIER,  
*State Treasurer.*

*Treasurer of the State of Michigan in Account with the  
State of Michigan.*

1872.

DEBIT.

Sept. 30. To balance Sept. 30th, 1871.....	\$694,122 66
Receipts on account of—	
General Fund.....	1,115,430 52
Primary School Fund .....	155,097 59
Primary School Interest Fund....	49,828 52
Swamp Land Fund.....	332,979 08
Swamp Land Interest Fund.....	4,004 86
University Fund.....	5,521 40
University Interest Fund.....	8,515 60
Agricultural College Fund.....	33,621 93
Agricultural College Interest Fund	3,273 05
Normal School Fund.....	419 67
Normal School Interest Fund ....	1,635 53
Asylum Fund.....	3,334 71
State Building Fund .....	1,747 12
Internal Improvement Fund.....	15,196 74
War Fund.....	150 00
Military Fund.....	1,690 35
Sault St. Marie Canal Fund.....	30,923 30
Sinking Fund.....	58,892 00
Specific Taxes.....	358,171 92
Primary School Deposits.....	560 00
Primary School Interest Deposits..	19 34
Swamp Land Deposits.....	160 43
Swamp Land Interest Deposits...	9 77
State Building Deposits.....	27 69
Auditor General's Deposits.....	187 10
Escheats.....	100 00
	<hr/>
	<b>\$2,875,620 88</b>

*Treasurer of the State of Michigan in Account with the  
State of Michigan.*

1872.

CREDIT.

Sept. 30. By warrants paid on account of—

General Fund.....	\$1,011,354 21
Primary School Fund.....	400 00
Primary School Interest Fund.....	187,230 81
Swamp Land Fund.....	271,811 00
Swamp Land Interest Fund.....	52 88
University Interest Fund.....	38,554 30
Agricultural College Fund.....	574 54
Agricultural College Interest Fund.....	6,825 04
Normal School Interest Fund.....	24,006 05
Asylum Fund.....	138,311 45
State Building Fund.....	21,755 44
Internal Improvement Fund.....	16,971 82
University Aid Fund.....	15,000 00
Soldiers' Aid Fund.....	4,000 00
War Fund.....	32,915 00
Military Fund.....	9,439 97
Sault St. Marie Canal Fund.....	6,619 83
Sinking Fund.....	112,000 00
Primary School Deposits.....	883 88
Primary School Interest Deposits..	25 78
Swamp Land Deposits.....	240 54
Swamp Land Interest Deposits....	15 77
State Building Deposits.....	8 94
Balance.....	977,224 03

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\$2,875,620 88

*Ledger Balances.*

1872.	DEBIT.	
Sept. 30. Cash .....		\$977,224 03
Internal Improvement Fund.....		2,434,292 78
Sinking Fund.....		917,680 20
Suspense Account.....		13,379 12
Dewey Asset Lands.....		14,147 19

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**\$4,356,728 32**

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*Ledger Balances.*

1872.	CREDIT.	
Sept. 30. General Fund.....	\$922,633	46
Primary School Fund.....	1,989,016	87
Primary School Interest Fund.....	71,467	91
Primary School Five per cent Fund.....	251,909	31
Swamp Land Fund.....	165,922	01
Swamp Land Interest Fund.....	121,552	08
University Fund.....	327,728	72
University Interest Fund.....	232	89
Normal School Fund.....	48,314	70
Normal School Interest Fund.....	17,491	57
Asylum Fund.....	120,000	00
State Building Fund.....	98,100	43
Agricultural College Fund.....	73,608	92
Agricultural College Interest Fund.....	1,211	02
War Fund.....	17,287	14
Sault Ste. Marie Canal Fund.....	64,654	99
Military Fund.....	64,423	27
Treasury Notes.....	730	00
Michigan Central Railroad Deposits...	1,397	02
Michigan Southern Railroad Deposits...	147	72
St. Joseph Valley Railroad Deposits...	55	00
Oakland and Ottawa Railroad Deposits	8	58
Light-House Deposit.....	15	00
University Aid Fund.....	3,750	00
Primary School Deposits.....	456	33
Primary School Interest Deposits.....	1	33
Swamp Land Deposits.....	215	66
State Building Deposits.....	18	75
Coll'ns from trespassers on R. R. lands.	186	00
Auditor General's Deposit Account....	186	64
	<u>\$4,356,723</u>	<u>32</u>

*General Fund.*

## DEBIT.

1872.

Sept. 30.	To warrants paid during fiscal year...	\$1,011,354 21
	“ am'ts tr. to Normal School Int. Fund	15,000 00
	“ “ “ “ State Building Fund...	98,952 82
	“ “ “ “ University Aid Fund...	15,000 00
	“ “ “ “ Military Fund.....	27,976 05
	“ “ “ “ Asylum Fund.....	186,176 74
	“ “ “ “ Sinking Fund.....	78,840 80
	“ balance .....	922,633 46
		<hr/>
		<b>\$2,355,934 08</b>
		<hr/> <hr/>

*Primary School Fund.*

## DEBIT.

1872.

Sept. 30.	To warrants paid during fiscal year...	\$400 00
	“ balance .....	1,989,016 87
		<hr/>
		<b>\$1,989,416 87</b>
		<hr/> <hr/>

*Primary School Interest Fund.*

## DEBIT.

1872.

Sept. 30.	To warrants paid during fiscal year...	\$187,230 31
	“ balance .....	71,467 91
		<hr/>
		<b>\$258,698 22</b>
		<hr/> <hr/>

## APPENDIX.

### *General Fund.*

#### CREDIT.

1872.

Sept. 30.	By balance Sept. 30th, 1871.....	
	“ cash received during fiscal year....	1,1:
	“ am't tr. from Specific Taxes.....	:
	“ “ “ “ Aud. Gen'l Deposit ac't	

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### *Primary School Fund.*

#### CREDIT.

1872.

Sept. 30.	By balance Sept. 30th, 1871.....	\$1,834,219	28
	“ cash received during fiscal year....	155,097	59
	“ amount transferred from Escheats..	100	00
		<u>\$1,989,416</u>	<u>87</u>

### *Primary School Interest Fund.*

#### CREDIT.

1872.

Sept. 30.	By balance Sept. 30th, 1871.....	
	“ cash received during fiscal year....	49
	“ am't transferred from Specific Taxes	144

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*Five Per Cent Primary School Fund.*

## DEBIT.

1872.

Sept. 30. To balance ..... \$251,909 31

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\$251,909 31

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*Swamp Land Fund.*

## DEBIT.

1872.

Sept. 30. To land warrants paid during fiscal year \$265,975 75

“ cash warrants paid during fiscal year  
for refunding and costs of suit.... 26 00

To cash warrants paid during fiscal year  
for salaries and expenses of Swamp  
Land State Road Office ..... 5,609 25

To amount transferred to Five Per Cent  
Primary School Fund ..... 33,447 29

To balance .... 165,922 01

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\$470,980 30

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*Swamp Land Interest Fund.*

## DEBIT.

1872.

Sept. 30. To warrants paid during fiscal year .... \$52 88

“ balance ..... 121,552 08

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\$121,604 96

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*Five Per Cent Primary School Fund.*

## CREDIT.

1872.

Sept. 30. By balance Sept. 30th, 1871.....	\$218,462 02
“ am't trans. from Swamp Land F'd..	33,447 29
	<hr/>
	\$251,909 31
	<hr/>

*Swamp Land Fund.*

## CREDIT.

1872.

Sept. 30. By balance Sept. 30th, 1871.....	\$138,001 22
“ land warrants received during fiscal	
year in payment for land.....	265,975 75
“ cash received during fiscal year....	67,003 33
	<hr/>
	\$470,980 30
	<hr/>

*Swamp Land Interest Fund.*

## CREDIT.

1872.

Sept. 30. By balance Sept. 30th, 1871.....	\$117,600 10
“ cash received during fiscal year ....	4,004 86
	<hr/>
	\$121,604 96
	<hr/>

*University Fund.*

## DEBIT.

1872.

Sept. 30. To balance.....	\$327,728 72
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\$327,728 72

*University Interest Fund.*

## DEBIT.

1872.

Sept. 30. To warrants paid during fiscal year...	\$38,554 30
" balance .....	232 89

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\$38,787 19

*Normal School Fund.*

## DEBIT.

1872.

Sept. 30. To balance.....	\$48,314 70
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\$48,314 70

*Normal School Interest Fund.*

## DEBIT.

1872.

Sept. 30. To warrants paid during fiscal year....	\$24,006 05
" balance.....	11,491 57

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\$35,497 62

*University Fund.*

## CREDIT.

1872.		
Sept. 30.	By balance Sept. 30th, 1871.....	\$322,207 32
	“ cash received during fiscal year....	5,521 40
		<hr/>
		\$327,728 72

*University Interest Fund.*

## CREDIT.

1872.		
Sept. 30.	By balance Sept. 30th, 1871.....	\$493 39
	“ cash received during fiscal year....	8,515 60
	“ am't transf. from Specific Taxes....	29,778 20
		<hr/>
		\$38,787 19

*Normal School Fund.*

## CREDIT.

1872.		
Sept. 30.	By balance Sept. 30th, 1871.....	\$47,895 03
	“ cash received during fiscal year ....	419 67
		<hr/>
		\$48,314 70

*Normal School Interest Fund.*

## CREDIT.

1872.		
Sept. 30.	By balance Sept. 30th, 1871.....	\$15,975 54
	“ cash received during fiscal year....	1,635 53
	“ am't transf. from General Fund....	15,000 00
	“ “ “ “ Specific Taxes....	2,886 55
		<hr/>
		\$35,497 62

## APPENDIX.

*Asylum Fund.*

## DEBIT.

1872.

Sept. 30.	To warrants paid during fiscal year...	\$138,311 45
	“ balance .....	120,000 00

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**\$258,311 45**
*Agricultural College Fund.*

## DEBIT.

1872.

Sept. 30.	To warrants paid during fiscal year...	\$174 54
	“ balance .....	73,608 92

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**\$73,783 46**
*Agricultural College Interest Fund.*

## DEBIT.

1872.

Sept. 30.	To warrants paid during fiscal year....	\$6,825 04
	“ balance .....	1,211 02

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**\$8,036 06**
*State Building Fund.*

## DEBIT.

1872.

Sept. 30.	To warrants paid during fiscal year...	\$21,755 44
	“ balance .....	98,100 43

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**\$119,855 87**



## APPENDIX.

### *Asylum Fund.*

#### CREDIT.

1872.

Sept. 30.	By balance Sept. 30th, 1871.....	
	“ cash received during fiscal year....	3
	“ amount trans. from General Fund..	: :
		<hr/>
		<hr/>

### *Agricultural College Fund.*

#### CREDIT.

1872.

Sept. 30.	By balance Sept. 30th, 1871.....	
	“ cash received during fiscal year....	<hr/>

### *Agricultural College Interest Fund.*

#### CREDIT.

1872.

Sept. 30.	By balance Sept. 30th, 1871.....	\$809 84
	“ cash received during fiscal year....	3,273 05
	“ amount trans. from Specific Taxes..	3,953 17
		<hr/>
		<hr/>
		\$8,036 06

### *State Building Fund.*

#### CREDIT.

1872.

Sept. 30.	By balance Sept. 30th, 1871.....	\$19,155
	“ cash received during fiscal year....	1, :
	“ am't transferred from General Fund	<hr/>
		<hr/>

*University Aid Fund.*

## DEBIT.

1872.

Sept. 30.	To warrants paid during fiscal year....	\$15,000 00
	“ balance.....	3,750 00
		<hr/>
		\$18,750 00
		<hr/>

*Ste. Marie Ship Canal Fund.*

## DEBIT.

1872.

Sept. 30.	To warrants paid during fiscal year....	\$6,619 83
	“ balance.....	64,654 99
		<hr/>
		\$71,274 82
		<hr/>

*Specific Taxes.*

## DEBIT.

1872.

Sept. 30.	To am't transferred to General Fund..	\$139,422 35
	“ “ “ P. S. Int. “ --	144,670 97
	“ “ “ U. Int. “ --	29,778 20
	“ “ “ N. S. Int. “ --	2,886 55
	“ “ “ Ag. C. Int. “ --	3,953 17
	“ “ “ War “ --	32,410 00
	“ “ “ Sinking “ --	5,020 66
	“ “ “ Int. Imp. “ --	30 00
		<hr/>
		\$358,171 92
		<hr/>

## APPENDIX.

### *University Aid Fund.*

#### CREDIT.

1872.

Sept. 30. By balance Sept. 30th, 1871.....  
“ transferred from General Fund..... :

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### *Ste. Marie Ship Canal Fund.*

#### CREDIT.

1872.

Sept. 30. By balance Sept. 30th, 1871.....  
“ cash received during fiscal year.....

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**\$71,2'**

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### *Specific Taxes.*

#### CREDIT.

1872.

Sept. 30.	By cash received of R. R. Co.'s.....	\$221,197
“	“ “ Street R. W. Co's..	1
“	“ “ Life Ins. Co.'s.....	51
“	“ “ Fire Ins. Co.'s.....	44
“	“ “ Mining Co.'s, U. P..	35
“	“ “ Express Co.'s.....	1,74
“	“ “ Telegraph Co.'s....	1
“	“ “ Miscellaneous.....	

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*Suspense Account.*

## DEBIT.

1872.		
Sept. 30.	To balance Sept. 30th, 1871 .....	\$13,379 12
		<hr/>
		\$13,379 12
		<hr/> <hr/>

*Michigan Central Railroad Deposits.*

## DEBIT.

1872.		
Sept. 30.	To balance .....	\$1,397 02
		<hr/>
		\$1,397 02
		<hr/> <hr/>

*Michigan Southern Railroad Deposits.*

## DEBIT.

1872.		
Sept. 30.	To balance .....	\$147 72
		<hr/>
		\$147 72
		<hr/> <hr/>

*St. Joseph Valley Railroad Deposits.*

## DEBIT.

1872.		
Sept. 30.	To balance .....	\$55 00
		<hr/>
		\$55 00
		<hr/> <hr/>

*Oakland and Ottawa Railroad Deposits.*

## DEBIT.

1872.		
Sept. 30.	To balance .....	\$8 58
		<hr/>
		\$8 58
		<hr/> <hr/>

## APPENDIX.

### *Suspense Account.*

#### CREDIT.

1872.

Sept 30. By balance -----

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### *Michigan Central Railroad Deposits.*

#### CREDIT.

1872.

Sept. 30. By balance Sept. 30th, 1871 -----

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### *Michigan Southern Railroad Deposits.*

#### CREDIT.

1872.

Sept. 30. By balance Sept. 30th, 1871..... \$147 72

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\$147 72

---

### *St. Joseph Valley Railroad Deposits.*

#### CREDIT.

1872.

Sept. 30. By balance Sept. 30th, 1871..... \$55 00

---

\$55 00

---

### *Oakland and Ottawa Railroad Deposits.*

#### CREDIT.

1872.

Sept. 30. By balance Sept. 30th, 1871.....

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=

*Light-house Deposit.*

## DEBIT.

1872.

Sept. 30. To balance.....	\$15 00
	<hr/>
	\$15 00
	<hr/> <hr/>

*Primary School Deposits.*

## DEBIT.

1872.

Sept. 30. To warrants paid during fiscal year...	\$883 88
" balance.....	456 33
	<hr/>
	\$1,340 21
	<hr/> <hr/>

*Primary School Interest Deposits.*

## DEBIT.

1872.

Sept. 30. To warrants paid during fiscal year...	\$25 78
" balance.....	1 33
	<hr/>
	\$27 11
	<hr/> <hr/>

*Swamp Land Deposits.*

## DEBIT.

1872.

Sept. 30. To warrants paid during fiscal year....	\$240 64
" balance.....	215 66
	<hr/>
	\$456 30
	<hr/> <hr/>

## APPENDIX.

### *Light-house Deposit.*

#### CREDIT.

1872.

Sept. 30. By balance Sept. 30th, 1871.....

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### *Primary School Deposits.*

#### CREDIT.

1872.

Sept. 30. By balance Sept. 30th, 1871.....

“ cash received during fiscal year....

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### *Primary School Interest Deposits.*

#### CREDIT.

1872.

Sept. 30. By balance Sept. 30th, 1871.....

\$7 77

“ cash received during fiscal year....

19 34

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\$27 11

---

### *Swamp Land Deposits.*

#### CREDIT.

1872.

Sept. 30. By balance Sept. 30th, 1871.....

“ cash received during fiscal year....

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*Swamp Land Interest Deposits.*

## DEBIT.

1872.

Sept. 30. To warrants paid during fiscal year....	\$15 77
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	\$15 77
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*State Building Deposits.*

## DEBIT.

1872.

Sept. 30. To warrants paid during fiscal year....	\$8 94
" balance.....	18 75

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	\$27 69
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*Collections from Trespassers on Railroad Lands.*

## DEBIT.

1872.

Sept. 30. To balance.....	\$186 00
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	\$186 00
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*Auditor General's Deposit Account.*

## DEBIT.

1872.

Sept. 30. To am't transf. to General Fund.....	\$0 46
" balance.....	186 64

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	\$187 10
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## APPENDIX.

### *Swamp Land Interest Deposits.*

#### CREDIT.

1872.

Sept. 30. By balance Sept. 30th, 1871.....	
" cash received during fiscal year.....	7
	<hr/>
	<hr/>

### *State Building Deposits.*

#### CREDIT.

1872.

Sept. 30. By cash received during fiscal year....	
	<hr/>
	<hr/>

### *Collections from Trespassers on Railroad Lands.*

#### CREDIT.

1872.

Sept. 30. By balance Sept. 30th, 1871.....	\$186 00
	<hr/>
	\$186 00
	<hr/>
	<hr/>

### *Auditor General's Deposit Account.*

#### CREDIT.

1872.

Sept. 30. By cash received during fiscal year....	
	<hr/>
	<hr/>

*Dowey Asset Lands.*

## DEBIT.

1872.

Sept. 30. By balance Sept. 30th, 1871.....	\$14,147 19
	<hr/>
	<b>\$14,147 19</b>
	<hr/> <hr/>

*Sinking Fund.*

## DEBIT.

1872.

Sept. 30. To balance Sept. 30th, 1871.....	\$948,433 68
" warrants paid during fiscal year...	112,000 00
	<hr/>
	<b>\$1,060,433 68</b>
	<hr/> <hr/>

*Escheats.*

## DEBIT.

1872.

Sept. 30. To am't transf. to Primary School Fund	\$100,00
	<hr/>
	<b>\$100 00</b>
	<hr/> <hr/>

*Treasury Notes.*

## DEBIT.

1872.

Sept. 30. To balance.....	\$730 00
	<hr/>
	<b>\$730 00</b>
	<hr/> <hr/>

## APPENDIX.

### *Dewey Asset Lands.*

#### CREDIT.

1872.

Sept. 30. By balance.....

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### *Sinking Fund.*

#### CREDIT.

1872.

Sept. 30. By cash received during fiscal year....

“ amount trans. from General Fund,

“ “ “ “ Specific Taxes

“ balance.....

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\$1,060,41

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### *Escheats.*

#### CREDIT.

1872.

Sept. 30. By cash received during fiscal year.... \$100 00

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\$100 00

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### *Treasury Notes.*

#### CREDIT.

1872.

Sept. 30. By balance Sept. 30th, 1871..... \$730 00

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## BANK STATEMENTS.

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*REPORT of the condition of the Ann Arbor Savings Bank at Ann Arbor, Michigan, at the close of business, September 30th, A. D. 1872, made in accordance with Sections 18, 19, and 67, of the General Banking Law as amended in 1871.*

### RESOURCES.

Loans and Discounts.....	\$146,001 47
Cash Items.....	3,648 51
Due from Banks and Bankers.....	2,916 54
Revenue Stamps.....	150 00
Furniture and Fixtures.....	2,633 05
Fractional Currency.....	2,847 74
Expenses.....	1,096 79
Legal Tender and Bank Notes.....	17,384 00
U. S. 5-20 Bonds.....	1,000 00
Wayne County 7's.....	500 00
	<hr/>
	\$178,178 10
	<hr/>

### LIABILITIES.

Capital.....	\$50,000 00
Surplus.....	8,000 00
Due other Banks.....	440 45
Due Depositors.....	116,282 98
Profit and Loss.....	257 65
Interest and Exchange.....	2,892 02
Unpaid Dividends.....	305 00
	<hr/>
	\$178,178 10
	<hr/>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

SCHUYLER GRANT, *Cashier.*

Subscribed and sworn to before me, this fifteenth day of November. 1873.

R. S. SMITH, *Notary Public.*

*REPORT showing the condition of the Bay City Bank at Bay City, Michigan, at the close of business September 30th, A. D. 1872, made in accordance with Sections 18, 19, and 67 of the General Banking Law, as amended in 1871.*

## RESOURCES.

Loans and Discounts.....	\$132,691 56
Overdrafts.....	3,000 00
Cash Items.....	419 08
Due from Banks and Bankers.....	13,607 17
Real estate.....	190 64
Revenue Stamps.....	159 00
Furniture and Fixtures.....	1,096 85
Fractional Currency.....	170 26
Expenses.....	2,132 51
Legal Tender and Bank Notes.....	15,549 00
	<hr/>
	\$169,016 07

## LIABILITIES.

Capital.....	\$50,000 00
Due other Banks.....	80 95
Due Depositors.....	112,752 51
Profit and Loss.....	6,081 07
Premium Account.....	101 54
	<hr/>
	\$169,016 07

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

GEO. H. YOUNG, *Cashier.*

Subscribed and sworn to before me this ninth day of November, 1872.

GEO. LEWIS,  
*Notary Public.*

***REPORT of the condition of the City Bank of Battle Creek, at Battle Creek, Michigan, at the close of business, September 30th, A. D. 1872, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.***

**RESOURCES.**

Loans and Discounts.....	\$152,984 00
Overdrafts .....	5,154 97
Due from Banks and Bankers.....	16,072 94
Revenue Stamps.....	125 00
Furniture and Fixtures.....	2,460 13
Fractional Currency.....	25 01
Expenses.....	1,700 28
Legal Tender and Bank Notes.....	13,632 00
	<hr/>
	<b>\$192,154 33</b>
	<hr/>

**LIABILITIES.**

Capital.....	\$50,000 00
Surplus.....	4,000 00
Due Depositors.....	135,595 52
Profit and Loss.....	2,558 81
	<hr/>
	<b>\$192,154 33</b>
	<hr/>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

**ROLDON P. KINGMAN, *Cashier.***

Subscribed and sworn to before me, this fifteenth day of November, 1872.

**BRAINARD T. SKINNER, *Notary Public.***

*REPORT of the condition of the City Bank at Detroit, Michigan, at the close of business Monday, July (1st) first, A. D. 1872, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.*

## RESOURCES.

Loans and Discounts.....	\$92,641 95
Overdrafts.....	340 40
Cash Items.....	6,430 00
Due from Banks and Bankers.....	7,190 05
Revenue Stamps.....	313 25
Furniture and Fixtures.....	1,275 00
Fractional Currency.....	210 00
Expenses.....	1,638 68
Legal Tender and Bank Notes.....	4,594 78
	<hr/>
	\$114,634 11
	<hr/>

## LIABILITIES.

Capital.....	\$50,000 00
Due other Banks.....	5,670 20
Due Depositors.....	56,408 99
Profit and Loss.....	2,554 92
	<hr/>
	\$114,634 11
	<hr/>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

N. TERRY TAYLOR, *Cashier.*

Subscribed and sworn to before me this fourteenth day of September, 1872.

RICHARD B. RICHARDSON.

*Notary Public, Wayne County, Michigan.*

***STATEMENT of the condition of the City Bank of Marshall,  
at the close of business on the 29th day of June, 1872.***

**RESOURCES.**

Loans and Discounts .....	\$17,434 50
Due from National Banks .....	24,048 28
Due from private Banks .....	507 27
Revenue Stamps .....	300 00
Furniture and Fixtures .....	112 73
Taxes paid .....	17 04
Expenses paid .....	663 19
U. S. Bonds .....	2,100 00
Premiums paid .....	267 00
Cash and cash items .....	10,208 90
	<hr/>
	<b>\$55,658 91</b>
	<hr/>

**LIABILITIES.**

Capital Stock paid in .....	\$30,000 00
Excess and Deficit Account .....	7 20
Interest .....	123 19
Exchange .....	59 31
Collections .....	336 34
Deposits .....	25,132 87
	<hr/>
	<b>\$55,658 91</b>
	<hr/>

STATE OF MICHIGAN, } ss.  
County of Calhoun,

I, Martin D. Strong, Cashier of the City Bank of Marshall, do solemnly swear that the above is a true statement of the condition of said Bank before the commencement of business on the morning of the first day of July, 1872.

**MARTIN D. STRONG.**

Subscribed and sworn to before me this 27th day of July, 1872.

**JAMES A. WAY, Notary Public.**



*REPORT of the condition of the Detroit Savings Bank, at Detroit, Michigan, at the close of business, September 30, A. D. 1872, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.*

## RESOURCES.

Loans and Discounts.....	\$1,203,471	25
Overdrafts.....	535	29
Cash Items—Including Checks on other Banks and Call Loans with Collaterals..	68,902	28
Due from Banks and Bankers.....	178,962	93
Revenue Stamps.....	838	00
Furniture and Fixtures.....	7,424	29
Fractional Currency.....	3,200	90
Expenses.....	6,434	94
Legal Tender and Bank Notes.....	61,728	00
Bonds—		
United States.....	\$200,150	00
Premium on same....	11,682	64
	<hr/>	\$211,832 64
State of Michigan.....	106,000	00
State of Missouri.....	26,610	00
Wayne County.....	32,800	00
City of Detroit.....	38,500	00
N. Y. Central Park Fund.....	4,700	00
Detroit and Hamtramck Iron Works.....	12,000	00
Detroit Car Works.....	2,000	00
“ City Railway Co.....	4,000	00
“ and Milwaukee R.R. Co..	1,875	50
	<hr/>	440,318 14
	<hr/>	<hr/>
		\$1,971,816 02
		<hr/>

## LIABILITIES.

Capital Stock.....	\$200,000 00
Surplus .....	81,506 38
Due other Banks.....	10,590 69
Due Depositors .....	1,652,488 34
Profit and Loss .....	27,230 61
	<hr/>
	<u>\$1,971,816 02</u>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

A. H. ADAMS, *Cashier.*

Sworn and subscribed before me this third day of October, 1872.

MARCUS F. DOW, *Notary Public.*

*STATEMENT showing the condition of the Exchange Bank of Big Rapids at the close of business hours, July 1st, 1872, as required by the Banking Law of the State of Michigan.*

## RESOURCES.

Loans and Discounts .....	\$108,991 50
Overdrafts.....	2,781 79
Due from Banks and Bankers.....	5,700 49
Furniture and Fixtures.....	513 56
Expenses .....	1,373 98
Bonds .....	4,500 00
Revenue Stamps .....	597 79
Cash.....	15,250 59
	<hr/>
	\$139,709 70

## LIABILITIES.

Capital Stock paid in.....	\$52,593 74
Interest and Discount.....	4,863 98
Individual Deposits.....	55,647 02
Due to National Banks.....	131 53
Notes and Bills Re-Discounted .....	26,473 43
	<hr/>
	\$139,709 70

I, Charles D. Bronson, Cashier of the Exchange Bank of Big Rapids, Michigan, do solemnly swear that the above statement is true to the best of my knowledge and belief.

CHARLES D. BRONSON, *Cashier.*

Subscribed and sworn to before me this second day of July,  
A. D. 1872.

ROBERT MUNROE,  
*Notary Public, Mecosta County, Michigan.*

**QUARTERLY REPORT of the condition of the German American Bank at Detroit, Michigan, at the close of business September 30th, A. D. 1872.**

**RESOURCES.**

Loans and Discounts.....	\$302,386 78
Cash Items and Checks on other Banks.....	9,791 89
Due from Banks and Bankers.....	112,571 25
Revenue Stamps.....	107 30
Furniture and Fixtures.....	1,500 00
Fractional Currency.....	1,459 46
Expenses.....	3,366 90
Legal Tender and Bank Notes.....	54,681 74
Bonds .....	24,733 06
	<hr/>
	\$509,098 23
	<hr/> <hr/>

**LIABILITIES.**

Capital.....	\$100,000 00
Due Depositors.....	399,718 09
Profit and Loss.....	2,464 72
Interest and Discount.....	6,226 30
Exchange .....	689 12
	<hr/>
	\$509,098 23
	<hr/> <hr/>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

H. L. KANTER, *Cashier.*

Subscribed and sworn to before me this twenty-sixth day of October, 1872.

J. B. CADBERG,  
*Notary Public, Wayne County, Michigan.*

*REPORT of the condition of the Genesee County Savings Bank at Flint, Michigan, at the close of business, September 30th, A. D. 1872, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.*

## RESOURCES.

Loans and Discounts.....	\$58,817 95
Cash Items.....	416 85
Due from Banks and Bankers.....	14,471 21
Furniture and Fixtures.....	54 20
Fractional Currency.....	327 06
Expenses.....	1,402 69
Legal Tender and Bank Notes.....	2,879 00
Bonds—Mortgages.....	6,613 01
Specie.....	48 45
	<hr/>
	\$85,030 42
	<hr/>

## LIABILITIES.

Capital.....	\$30,591 11
Due Depositors.....	39,750 28
Profit and Loss.....	2,689 03
Re-Discount.....	12,000 00
	<hr/>
	\$85,030 42
	<hr/>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

JOHN H. WILDER, *Cashier.*

Subscribed and sworn to before me, this first day of October, 1872.

S. BROWN, *Notary Public.*

***REPORT of the condition of the Grand Rapids Savings Bank at Grand Rapids, Michigan, at the close of business, September 30th, A. D. 1872, made in accordance with Sections 18, 19, and 67, of the General Banking Law as amended in 1871.***

**RESOURCES.**

Loans and Discounts .....	\$181,566 45
Overdrafts .....	1,098 13
Cash Items .....	1,950 00
Due from Banks and Bankers .....	13,615 12
Revenue Stamps .....	244 48
Furniture and Fixtures .....	1,803 86
Fractional Currency .....	185 40
Expenses .....	1,289 83
Legal Tender and Bank Notes .....	12,513 42
Bonds—	
Governments .....	7,500 00
Municipal and School .....	15,200 00
Premium account .....	392 79
	<hr/>
	<b>\$237,359 48</b>
	<hr/>

**LIABILITIES.**

Capital .....	\$53,000 00
Due other Banks .....	150 36
Due Depositors .....	181,863 02
Profit and Loss .....	2,346 10
	<hr/>
	<b>\$237,359 48</b>
	<hr/>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

**MARCUS W. BATES, *Cashier.***

Subscribed and sworn to before me, this seventh day of October, 1872.

**GEORGE R. ALLEN,**  
*Notary Public.*

*STATEMENT showing the condition of the Jackson City Bank of Jackson, Mich., on the morning of July 1st, 1872, as required by the Banking Law of the State of Michigan.*

## RESOURCES.

Loans and Discounts .....	\$316,305 59
Banking House Safe and Fixtures .....	10,000 00
Revenue Stamps .....	533 20
Due from Banks and Bankers .....	65,495 27
Checks on other Banks .....	6,319 43
Legal Tender and National Bank Notes .....	47,452 00
Fractional Currency .....	1,123 00
Coin .....	130 76
	<hr/>
	\$447,359 25

## LIABILITIES.

Capital .....	\$100,000 00
Deposits .....	308,375 63
Due Banks and Bankers .....	7,445 86
Profits .....	31,537 76
	<hr/>
	\$447,359 25

I, Benjamin Newkirk, Cashier of the Jackson City Bank of Jackson, Mich., do solemnly swear that the above statement is true, to the best of my knowledge and belief.

B. NEWKIRK, *Cashier.*

Subscribed and sworn to before me this eighth day of July, A. D. 1872.

GILBERT R. BYRNE,  
*Notary Public.*

***REPORT of the condition of the Jackson County Bank at Jackson, Michigan, at the close of business, September 30th, A. D. 1872, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.***

**RESOURCES.**

Loans and Discounts.....	\$45,931 61
Due from Banks and Bankers.....	4,694 38
Due from Stockholders.....	35,000 00
Revenue Stamps.....	95 00
Furniture and Fixtures.....	1,000 16
Fractional Currency.....	82 74
Legal Tender and Bank Notes.....	5,100 00
	<hr/>
	\$91,903 89
	<hr/>

**LIABILITIES.**

Capital.....	\$50,000 00
Due Depositors.....	39,814 05
Profit and Loss.....	2,089 84
	<hr/>
	\$91,903 89
	<hr/>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

H. V. PERRIN, *Cashier.*

Subscribed and sworn to before me, this 23d day of November, 1872.

C. H. BENNETT,  
*Notary Public in and for Jackson County, Michigan.*



*REPORT of the Condition of the Lenawee County Savings Bank, at Adrian, Michigan, at the opening of business, Monday, October 7th, A. D. 1872, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.*

## RESOURCES.

Loans and Discounts.....	\$198,040 62
Cash Items—Unpaid Stock.....	10,000 00
Due from Banks and Bankers.....	46,628 46
Revenue stamps.....	44 44
Furniture and Fixtures.....	2,585 00
Fractional Currency.....	27 36
Expenses.....	709 00
Legal Tender and Bank Notes.....	19,746 00
Bonds—	
Adrian City.....	15,000 00
School Bonds.....	10,200 00
	<hr/>
	\$302,980 88

## LIABILITIES.

Capital.....	\$50,000 00
Due Depositors.....	245,051 67
Profit and Loss.....	7,929 21
	<hr/>
	\$302,980 88

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

W. W. BRUCE, *Cashier.*

Subscribed and sworn to before me, this seventh day of October, 1872.

L. T. ELDRIDGE, *Notary Public.*

*REPORT of the condition of the Mechanics' Bank at Detroit, Michigan, at the close of business, October 5th, A. D. 1872, made in accordance with Sections 18, 19, and 67, of the General Banking Law as amended in 1871.*

RESOURCES.

Loans and Discounts .....	\$355,001 36
Overdrafts .....	177 40
Cash Items .....	14,376 27
Due from Banks and Bankers .....	24,855 35
Revenue Stamps .....	49 15
Fractional Currency .....	182 20
Expenses .....	9,382 18
Legal Tender and Bank Notes .....	12,245 38
Bonds—	
Detroit City, United States, County, and School District .....	38,934 16
Gold .....	387 18
Silver .....	149 75
	<hr/>
	\$455,740 38
	<hr/>

LIABILITIES.

Capital .....	\$100,000 00
Due Depositors .....	329,440 50
Profit and Loss .....	26,299 88
	<hr/>
	\$455,740 38
	<hr/>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

E. H. BUTLER, *Cashier.*

Subscribed and sworn to before me, this seventh day of October, 1872.

WILLIAM A. BUTLER, JR.,  
*Notary Public.*

*STATEMENT showing the condition of the Merchants' and Manufacturers' Bank of Detroit, at the close of business hours June 29th, 1872, as required by the Banking Law of Michigan.*

## RESOURCES.

Loans and Discounts.....	\$392,311 38
Due from Banks and Bankers.....	41,389 80
Overdrafts .....	1,160 78
Furniture account.....	3,000 00
Cash on hand.....	56,332 26
	<hr/>
	\$494,194 22

## LIABILITIES.

Capital Stock.....	\$200,000 00
Profit and Loss .....	14,522 24
Deposits .....	279,671 98
	<hr/>
	\$494,194 22

I, Charles C. Cadman, Cashier of the Merchants' and Manufacturers' Bank of Detroit, Michigan, do solemnly swear that the above statement is true, to the best of my knowledge and belief.

CHARLES C. CADMAN.

Subscribed and sworn to before me this sixth day of July, 1872.

FREDERICK WOOLFENDEN,  
*Notary Public, Wayne County, Michigan.*

***REPORT of the condition of the People's Savings Bank at Detroit, Michigan, at the close of business September 30th, A. D. 1872, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.***

**RESOURCES.**

Loans and Discounts.....	\$334,875 49
Overdrafts.....	4,772 41
Cash Items (Nickel, etc.).....	25 42
Due from Banks and Bankers.....	107,327 81
Real Estate.....	1,923 44
Revenue Stamps.....	249 00
Furniture and Fixtures.....	6,062 95
Fractional Currency.....	625 00
Expenses.....	15,154 31
Legal Tender and Bank Notes.....	35,844 00
Checks.....	17,363 78
Bonds—County, Town, City, and School Bonds in Michigan.....	31,600 00
Premium account paid for bonds.....	903 27
Mutilated and Fractional Currency in transit for redemption.....	3,020 75
	<hr/>
	<b>\$559,747 63</b>
	<hr/>

**LIABILITIES.**

Capital.....	\$60,000 00
Due other Banks.....	8,194 70
Due Depositors.....	470,429 08
Interest, collection, and exchange account.....	21,123 85
	<hr/>
	<b>\$559,747 63</b>
	<hr/>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

**M. W. O'BRIEN, *Cashier.***

Subscribed and sworn to before me this second day of October, 1872.

**WM. B. MORAN,**  
***Notary Public.***

*REPORT of the condition of the People's Bank, at Manchester, Michigan, at the close of business, June 29th, A. D. 1872, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871. Bank organized August 21st, 1871.*

## RESOURCES.

Loans and Discounts .....	\$52,142 52
Due from Banks and Bankers.....	3,803 63
Real Estate, Furniture, and Fixtures.....	7,755 63
Revenue Stamps.....	225 52
Legal Tender and Bank Notes.....	7,050 00
Stock Subscriptions.....	15,300 00
	<hr/>
	\$86,277 30
	<hr/>

## LIABILITIES.

Capital Stock.....	\$50,000 00
Due Depositors.....	32,633 01
Profit and Loss.....	3,644 29
	<hr/>
	\$86,277 30
	<hr/>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

O. F. HALL, *Cashier.*

Subscribed and sworn to before me, this eighth day of July, 1872.

J. D. COREY, *Notary Public.*

***STATEMENT showing the condition of the State Bank of Fenton at the close of business hours, June 29th, 1872, as required by the Banking Law of the State of Michigan.***

**RESOURCES.**

Loans and Discounts .....	\$46,022 60
Furniture account .....	721 19
Cash—Legal Tenders, National Bank Notes, Fractional Currency, and Cash Items .....	13,619 81
Revenue Stamps .....	181 33
Due from Banks .....	6,148 42
Stock Subscriptions, payable on call .....	12,500 00
	<hr/>
	<b>\$79,193 35</b>
	<hr/>

**LIABILITIES.**

Capital Stock .....	\$50,000 00
Surplus .....	190 88
Deposits .....	26,616 69
Profits .....	2,385 78
	<hr/>
	<b>\$79,193 35</b>
	<hr/>

I, Edwin Trump, Cashier of the State Bank of Fenton, Michigan, do solemnly swear that the above statement is true, to the best of my knowledge and belief.

**EDWIN TRUMP, *Cashier.***

Subscribed and sworn to before me, this first day of July, 1872.

**J. L. TOPPING,**  
*Notary Public, Genesee County, Michigan.*

*REPORT of the condition of the State Bank at Bay City, Michigan, at the close of business, October 5th, A. D. 1872, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.*

## RESOURCES.

Loans and Discounts .....	\$150,352 83
Overdrafts .....	1,614 00
Due from Banks and Bankers .....	22,405 30
Revenue Stamps .....	174 45
Furniture and Fixtures .....	3,129 97
Fractional Currency .....	355 80
Expenses .....	1,945 81
Legal Tender and Bank Notes .....	19,242 79
	<hr/>
	\$199,220 95
	<hr/>

## LIABILITIES.

Capital .....	\$100,000 00
Due Depositors .....	90,489 02
Profit and Loss .....	8,731 93
	<hr/>
	\$199,220 95
	<hr/>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

ORRIN BUMP, *Cashier.*

Subscribed and sworn to before me, this 11th day of October, 1872.

G. M. WILSON,  
*Notary Public.*

*FIRST ANNUAL REPORT of the Wayne County Savings Bank (being the Fourth Quarterly Report), at the close of business, September 30th, 1872.*

LIABILITIES.

Capital paid in.....	\$30,000 00
Due Depositors.....	504,001 43
Interest Account.....	\$9,957 86
Interest Account, less due depositors..	4,578 35
	<hr/> 14,536 21
	<hr/> <b>\$548,537 64</b> <hr/>

RESOURCES.

Loans on unincumbered real estate and securities required by section 66 of the Savings Bank Act of 1871.....	\$398,838 20
Furniture and Fixtures.....	3,033 52
Expense, salary, and Government Tax Accounts	11,188 69
U. S. Gov't 5-20 Bonds.....	28,700 00
Cash on hand.....	106,777 23
	<hr/> <b>\$548,537 64</b> <hr/>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

S. D. ELWOOD, *Treasurer.*

Subscribed and sworn to before me, this second day of October, 1872.

ALEXANDER McLANE,  
*Notary Public, Wayne County, Mich.*



*REPORT of the condition of the Wyandotte Savings Bank at Wyandotte, Michigan, at the close of business, September 30, A. D. 1872, made in accordance with Sections 18, 19, and 67, of the General Banking Law as amended in 1871.*

## RESOURCES.

Loans and Discounts.....	\$35,241 84
Due from Banks and Bankers.....	11,012 62
Real Estate.....	4,540 00
Revenue Stamps.....	105 00
Furniture and Fixtures.....	639 23
Fractional Currency.....	75 18
Expenses.....	859 48
Legal Tender and Bank Notes.....	9,514 00
	<hr/>
	\$61,987 35
	<hr/>

## LIABILITIES.

Capital.....	\$30,400 00
Due Depositors.....	29,903 38
Profit and Loss.....	1,683 97
	<hr/>
	\$61,987 35
	<hr/>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

W. VAN MILLER, *Cashier.*

Subscribed and sworn to before me, this tenth day of October, 1872.

JOHN S. VAN ALSTYNE,  
*Notary Public.*

*REPORT of the condition of the Mechanics' Bank at Detroit, Michigan, at the close of business, October 5th, A. D. 1872, made in accordance with Sections 18, 19, and 67, of the General Banking Law as amended in 1871.*

RESOURCES.

Loans and Discounts.....	\$355,001 36
Overdrafts.....	177 40
Cash Items.....	14,376 27
Due from Banks and Bankers.....	24,855 35
Revenue Stamps.....	49 15
Fractional Currency.....	182 20
Expenses.....	9,382 18
Legal Tender and Bank Notes.....	12,245 38
Bonds—	
Detroit City, United States, County, and School District.....	38,934 16
Gold.....	387 18
Silver.....	149 75
	<hr/>
	\$455,740 38
	<hr/>

LIABILITIES.

Capital.....	\$100,000 00
Due Depositors.....	329,440 50
Profit and Loss.....	26,299 88
	<hr/>
	\$455,740 38
	<hr/>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

E. H. BUTLER, *Cashier.*

Subscribed and sworn to before me, this seventh day of October, 1872.

WILLIAM A. BUTLER, JR.,

*Notary Public.*

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***REPORT of the condition of the People's Savings Bank at Detroit, Michigan, at the close of business September 30th, A. D. 1872, made in accordance with Sections 18, 19, and 67 of the General Banking Law as amended in 1871.***

**RESOURCES.**

Loans and Discounts.....	\$334,875 49
Overdrafts.....	4,772 41
Cash Items (Nickel, etc.).....	25 42
Due from Banks and Bankers.....	107,327 81
Real Estate.....	1,923 44
Revenue Stamps.....	249 00
Furniture and Fixtures.....	6,062 95
Fractional Currency.....	625 00
Expenses.....	15,154 31
Legal Tender and Bank Notes.....	35,844 00
Checks.....	17,363 78
Bonds—County, Town, City, and School Bonds in Michigan.....	31,600 00
Premium account paid for bonds.....	903 27
Mutilated and Fractional Currency in transit for redemption.....	3,020 75
	<hr/>
	\$559,747 63
	<hr/>

**LIABILITIES.**

Capital.....	\$60,000 00
Due other Banks.....	8,194 70
Due Depositors.....	470,429 08
Interest, collection, and exchange account.....	21,123 85
	<hr/>
	\$559,747 63
	<hr/>

I do solemnly swear that the above statement is true, to the best of my knowledge and belief.

M. W. O'BRIEN, *Cashier.*

Subscribed and sworn to before me this second day of October, 1872.

WM. B. MORAN,  
*Notary Public.*

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